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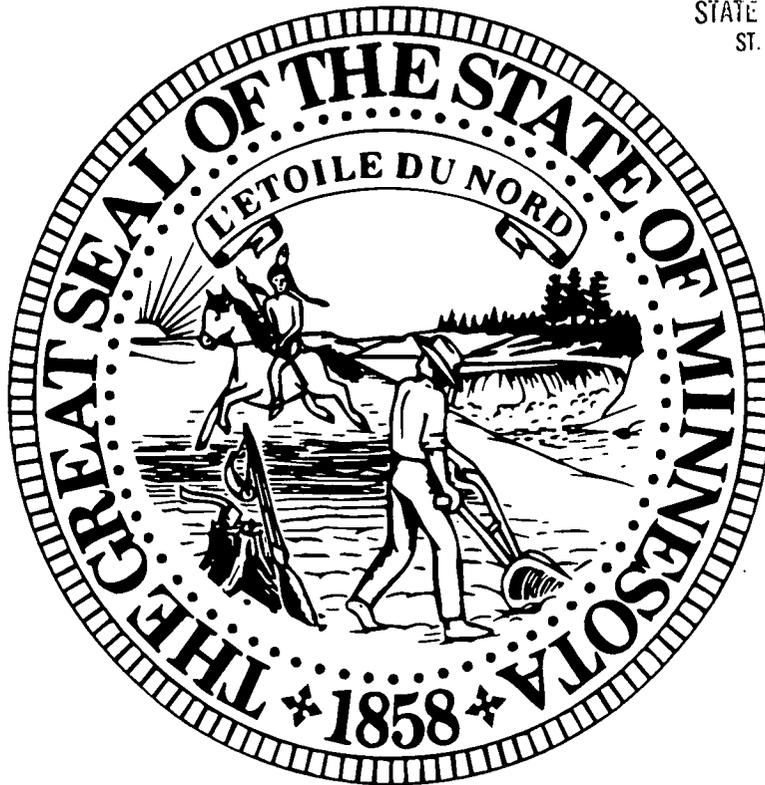
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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, professional-technical-consulting contracts, non-state bids and public contracts and grants.

A *Contracts Supplement* is published Tuesday, Wednesday and Friday and contains bids and proposals for commodities, including printing bids.

Printing Schedule and Submission Deadlines

Vol. 20 Issue Number	PUBLISH DATE	Deadline for both Adopted and Proposed RULES	Deadline for: Emergency Rules, Executive and Commissioner's Orders, Revenue and Official Notices, State Grants, Professional-Technical-Consulting Contracts, Non-State Bids and Public Contracts
# 6	Monday 7 August	Monday 24 July	Monday 31 July
# 7	Monday 14 August	Monday 31 July	Monday 7 August
# 8	Monday 21 August	Monday 7 August	Monday 14 August
# 9	Monday 28 August	Monday 14 August	Monday 21 August

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

HOUSE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office (612) 296-0504
Room 231 State Capitol, St. Paul, MN 55155

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions.

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office (612) 296-2146
Room 175 State Office Building, St. Paul, MN 55155

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Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-657-3757.

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The adoption of a rule becomes effective after the requirements of Minn. Stat. §§14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Department of Commerce

Adopted Permanent Rules Relating to Cosmetology Salons

The rules proposed and published at *State Register*, Volume 19, Number 44, pages 2161-2162, May 1, 1995 (19 SR 2161), are adopted with the following modifications:

Rules as Adopted

2642.0380 OPERATIONAL REQUIREMENTS FOR SALONS.

It is the responsibility of the manager of the salon and of each operator to comply with the following operational requirements:

B. Before each use, all scissors, razors, clipper blades, tweezers, cutting tools, reusable esthetic and manicure instruments, combs, brushes, and brush rollers shall be cleaned and disinfected. Hair and debris shall be removed from all instruments and items, and all instruments and items shall be washed in hot water with soap or detergent and rinsed thoroughly before disinfecting. Manicure and esthetic instruments or items made of wood or other porous material must not be reused, and must be discarded after each use.

Petroleum Tank Release Compensation Board

Adopted Permanent Rules Relating to Petroleum Tank Releases

The rules proposed and published at *State Register*, Volume 19, Number 23, pages 1265-1286, December 5, 1994 (19 SR 1265), are adopted with the following modifications:

Rules as Adopted

2890.0010 DEFINITIONS.

Subp. 2b. ~~Clear and convincing evidence.~~ "Clear and convincing evidence" means evidence that clearly and directly establishes a position with a high probability, and is more than just reasonable evidence but less than proof beyond a reasonable doubt.

Subp. 5a. ~~Prima facie unreasonable.~~ "Prima facie unreasonable" means unreasonable absent proof beyond a reasonable doubt by a preponderance of the evidence.

Subp. 5b. ~~Reasonable evidence.~~ "Reasonable evidence" means evidence that is rational and appropriate to justify a position, but is less than clear or convincing evidence or proof beyond a reasonable doubt.

2890.0070 ELIGIBLE COSTS.

Subp. 3. ~~Documentation of eligible costs.~~ It is the responsibility of the applicant to obtain and maintain all records that document incurred costs ~~including, but not limited to,~~ Among the records required are all invoices, time records, equipment records, receipts, proposals for consultant services, and bids for contractor services.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

2890.0071 INELIGIBLE COSTS.

All costs associated with actions that do not minimize, eliminate, or clean up a release to protect the public health and welfare or the environment are ineligible costs. ~~Among ineligible costs include, but are not limited to, the following:~~

- ~~E.~~ E. decreased property values for the applicant's property;
- ~~I.~~ I. overtime pay, unless the agency declared the site to be an emergency prior to the applicant incurring the costs for overtime pay;
- ~~J.~~ J. per diem charges for sites less than 60 miles from an office of the person providing consultant services or contractor services;
- ~~K.~~ L. repair of buildings, roads, yards, fences, or other structures or land damaged by equipment used in the corrective action, unless the damage was necessary to access the petroleum contaminated soil;
- ~~L.~~ K. costs for the demolition, disposal, removal, repair, or replacement of the following items, when the demolition, disposal, removal, repair, or replacement is necessary to remove, repair, upgrade, or replace a tank:
 - ~~M.~~ L. costs for the removal of water from the excavation basin, unless mandated by the agency as a remedial action;
 - ~~N.~~ M. site restoration costs for clean fill in excess of the agency-approved amount of petroleum contaminated soil removed for disposal; or
 - ~~O.~~ mark-up charges, including, but not limited to, mark-up charges on contractor services, equipment, materials, travel, and per diem charges; or
 - ~~P.~~ N. administrative costs incurred in obtaining reimbursement from the board, including, but not limited to, charges for obtaining proposals or bids, accounting for consultant services or contractor services, compiling materials for and preparing applications to the board for reimbursement, responding to inquiries from the board or its staff, or appearing before the board.

2890.0072 OVERVIEW OF RULES GOVERNING REASONABLENESS OF COSTS FOR CONSULTANT SERVICES.

The board shall approve for reimbursement only those costs for consultant services that meet the standards and requirements in parts 2890.0073 to 2890.0079. Part 2890.0073 sets forth the definition of terms related to consultant services. Parts 2890.0074 to 2890.0076 establish the requirement of a written proposal and invoice for each step of consultant services and the standard tasks and maximum costs for each step of consultant services. Part 2890.0077 states the requirements for competitive bidding in proposals for consultant services, and part 2890.0089 establishes standards for exemption from the competitive bidding requirement. Part 2890.0078 establishes criteria for the board in evaluating costs for consultant services that deviate from either the standard tasks or maximum costs for consultant services, or are higher than the costs stated in the written proposal for consultant services. Part 2890.0079 states the requirement for costs to be reasonable and necessary.

~~Parts 2890.0072 to 2890.0079 shall be effective for any contract for consultant services entered into on or after the effective date of these parts.~~

2890.0073 DEFINITIONS RELATED TO CONSULTANT SERVICES.

Subp. 14. **Excavation basin soil sampling.** "Excavation basin soil sampling" means soil sampling of petroleum contaminated soil as it is excavated from the perimeter and bottom of the excavation basin and obtaining representative samples for submission to a laboratory for chemical analysis ~~conducted.~~

Subp. 19. **Groundwater sampling.** "Groundwater sampling" means the purging of a well by removing the number of well volumes required by the agency, the filling and preserving of each sample vial, and water level measurement.

Subp. 20. **Groundwater sampling analysis.** "Groundwater sampling analysis" means quantifying the concentration of petroleum contaminants and inorganic compounds present in a groundwater sample.

Subp. 21. Health and safety plan. "Health and safety plan" means preparation of a site-specific document containing local, state, and federal safety data instructions and guidelines for health and safety.

~~Subp. 24.~~ 22. **Hydraulic conductivity estimate.** "Hydraulic conductivity estimate" means determining the rate at which groundwater can move through subsurface material.

~~Subp. 22.~~ 23. **Infiltration test.** "Infiltration test" means the performance and oversight of a test to determine the rate which water introduced at the surface will infiltrate to the subsurface.

~~Subp. 23.~~ 24. **Midlevel professional.** "Midlevel professional" means a person with:

~~Subp. 24.~~ 25. **Mileage.** "Mileage" means a charge per mile to transport individuals to or from the leaksite or other location necessary to provide consultant services.

Subp. ~~25-26~~. **Monitoring well.** "Monitoring well" means a well constructed for the purpose of measuring water levels and collecting representative groundwater samples.

Subp. ~~26-27~~. **MPCA conference call.** "MPCA conference call" means a conference call among the agency, the applicant, and the consultant.

Subp. ~~27-28~~. **Off-site access.** "Off-site access" means the process of obtaining permission from property owners other than the applicant to enter their property for the purpose of doing a remedial investigation or implementing a corrective action plan.

Subp. ~~28-29~~. **Passive bioremediation risk assessment.** "Passive bioremediation risk assessment" means the analysis of the effectiveness and risks involved in allowing microorganisms to break down petroleum products in the soil and groundwater naturally without the use of any corrective action technology.

Subp. ~~29-30~~. **Per diem.** "Per diem" means per day costs incurred by the consultant for meals and lodging when the distance to the leaksite makes it more cost-effective for the consultant to lodge overnight near the leaksite.

Subp. ~~30-31~~. **Piezometer installation.** "Piezometer installation" means the conversion of a small diameter soil boring to a non-pumping well used to measure the elevation of the water table or potentiometric surface.

Subp. ~~31-32~~. **Piezometer installation oversight.** "Piezometer installation oversight" means the oversight of the conversion of a small diameter soil boring to a nonpumping well used to measure the elevation of the water table or potentiometric surface.

Subp. ~~32-33~~. **Project management and administration.** "Project management and administration" means the documented management of the project. It includes preparing and submitting status reports, tracking regulatory issues, producing additional assessment or monitor-only recommendation letters, and managing subcontracts. It does not include field work or data analysis.

Subp. ~~33-34~~. **Remedial action decision.** "Remedial action decision" means the conferences between the consultant and the applicant at which the assessment data is discussed and, if appropriate, a conference call among the agency, the applicant, and the consultant.

Subp. ~~34-35~~. **RI/CAD report.** "RI/CAD report" means compilation of all data at the time the vertical and horizontal extent of the petroleum contamination has been determined. The CAD portion of the report must include all reduced data from the CAD field tests.

Subp. ~~35-36~~. **Senior level professional.** "Senior level professional" means a person with:

Subp. ~~36-37~~. **Site monitoring worksheet.** "Site monitoring worksheet" means the preparation and submission to the agency of a form providing information about groundwater or vapor impact.

Subp. ~~37-38~~. **Soil boring drilling.** "Soil boring drilling" means the drilling of holes in the ground to determine soil structure or to monitor for the presence of contaminants in soil.

Subp. ~~38-39~~. **Soil boring oversight.** "Soil boring oversight" means the oversight of the drilling of borings, including soil sampling, logging, and field screening of materials encountered during the installation of borings.

Subp. ~~39-40~~. **Soil borings.** "Soil borings" means holes drilled in the ground to determine the lithologic log or monitor for the presence of contaminants in soil.

Subp. ~~40-41~~. **Soil excavation corrective action plan.** "Soil excavation corrective action plan" means the design of a remediation technology that removes petroleum contaminated soils from the ground and treatment by landfarming, thin spreading, composting, incineration, or other agency-approved methods.

Subp. ~~41-42~~. **Soil field screening and sampling.** "Soil field screening and sampling" means the collection and screening of soil samples that are not collected or screened as part of excavation basin soil sampling, soil boring oversight, soil test pit oversight, or contaminated soil stockpile sampling.

Subp. ~~42-43~~. **Soil sampling.** "Soil sampling" means the collection of soil samples and the filling and, if necessary, preserving of each sample vial.

Subp. ~~44~~. **Soil sampling analysis.** "Soil sampling analysis" means quantifying the concentration of petroleum contaminants and inorganic compounds present in a soil sample.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Adopted Rules

Subp. ~~43-~~ 45. **Soil test pit oversight.** "Soil test pit oversight" means the oversight of soil test pits as defined in part 2890.0081, including soil sampling.

Subp. ~~44-~~ 46. **Soil treatment permitting.** "Soil treatment permitting" means preparation of the application for treatment of petroleum contaminated soil to be submitted to government and regulatory bodies.

Subp. ~~45-~~ 47. **Soil vapor extraction system design.** "Soil vapor extraction system design" means the design of a remediation technology that induces air flow from the subsurface and brings contaminants to the surface where they can be treated if necessary and discharged.

Subp. ~~46-~~ 48. **Soil vapor extraction system with groundwater sparging design.** "Soil vapor extraction system with groundwater sparging design" means the design of a remediation technology that removes volatile organic compounds from groundwater by forcing an air flow through a well screen placed in the aquifer which causes a bubbling effect in the groundwater and forces contaminants into the soils above the aquifer.

Subp. ~~47-~~ 49. **Sparging test.** "Sparging test" means the design and implementation of a site-specific saturated zone air injectability test and the collection of data gained from the test including flow rates, pressure requirements, and radius of influence of the system.

Subp. ~~48-~~ 50. **Surveying.** "Surveying" means surveying the locations and elevations of the soil borings and monitoring wells and preparing site maps. The locations of the site boundaries, aboveground features, and belowground features must be known with reasonable accuracy.

Subp. ~~49-~~ 51. **System installation oversight.** "System installation oversight" means the consultant's monitoring of the remedial system installation activities performed by the contractor to ensure that all design specifications are met, and discussion with the contractor of any design modifications or system layout changes.

Subp. ~~50-~~ 52. **System operation and maintenance.** "System operation and maintenance" means the operation and any necessary maintenance of the remediation system.

Subp. ~~51-~~ 53. **System startup/initial discharge sampling.** "System startup/initial discharge sampling" means a one-day trial run of the remediation system to ensure that the system and all its components are in proper running condition, and the collection of any initial discharge samples required by the agency.

Subp. ~~52-~~ 54. **Travel time.** "Travel time" means the time spent by the consultant to mobilize equipment and to travel to and from the leaksite or other location necessary to provide consultant services.

Subp. ~~53-~~ 55. **Vacuum enhanced groundwater extraction system design.** "Vacuum enhanced groundwater extraction system design" means the design of a combined remediation technology in which groundwater recovery is supplemented by applying vacuum pressure to a recovery well. Vacuum extraction may also remediate petroleum contaminated soil above the water table in the same manner as a soil vapor extraction system.

Subp. ~~54-~~ 56. **Vapor risk assessment and survey.** "Vapor risk assessment and survey" means the making of a determination whether the petroleum release has or could cause petroleum vapor accumulation in basements, sewer lines, or other confined spaces.

Subp. ~~55-~~ 57. **Vehicle cost.** "Vehicle cost" means the cost of a van or truck used to carry to the leaksite tools or equipment which cannot reasonably fit into a passenger car.

Subp. ~~56-~~ 58. **Vent point.** "Vent point" means a borehole screened in the subsurface, typically in the unsaturated zone, and used to extract petroleum vapors and induce clean air in the subsurface.

Subp. ~~57-~~ 59. **Vent point installation.** "Vent point installation" means the completion of a vent point from a completed soil boring.

Subp. ~~58-~~ 60. **Vent point installation oversight.** "Vent point installation oversight" means the oversight of the completion of a vent point from a completed soil boring.

Subp. ~~59-~~ 61. **Venting test.** "Venting test" means the design and implementation of a site-specific vapor extraction test and the collection of data gained from the test, including radius influenced by the system, discharge rates, and contaminant emission rate.

Subp. ~~60-~~ 62. **Waste disposal.** "Waste disposal" means the making of arrangements for the disposal of all waste generated at a leaksite, including disposable bailers, rubber gloves, bailer rope, and petroleum contaminated drill cuttings during assessment activity.

Subp. ~~61-~~ 63. **Water discharge compliance permitting.** "Water discharge compliance permitting" means preparation of an application for water discharge approval to the appropriate regulatory authorities.

Subp. ~~62-~~ 64. **Water level measurement.** "Water level measurement" means the calculation of groundwater elevation refer-

enced to an established elevation.

Subp. ~~63-~~ 65. **Well abandonment.** "Well abandonment" means the permanent discontinuation of a well according to applicable well codes.

Subp. ~~64-~~ 66. **Well abandonment oversight.** "Well abandonment oversight" means the time required to solicit competitive bids for the permanent discontinuation of a well according to applicable well codes.

Subp. ~~65-~~ 67. **Well installation.** "Well installation" means the completion of a monitoring well from a completed soil boring.

Subp. ~~66-~~ 68. **Well oversight and development.** "Well oversight and development" means the oversight of the conversion of completed soil borings to monitoring wells.

Subp. ~~67-~~ 69. **Well permitting.** "Well permitting" means obtaining permits to allow the drilling and installation of monitoring wells and filing well completion/installation records with state and local agencies.

Subp. ~~68-~~ 70. **Word processor.** "Word Processor" means a person who operates a computer for word processing spreadsheets, statistical typing, correspondence, and report generation.

2890.0074 WRITTEN PROPOSAL AND INVOICE REQUIRED FOR CONSULTANT SERVICES.

Subpart 1. **Written proposal.** The board shall consider as prima facie unreasonable costs incurred for consultant services for which the applicant has not obtained a written proposal for consultant services according to this part, unless the necessary services were required by an emergency, including the emergency abatement of free product, for which there was not sufficient time to obtain proposals. A written proposal for consultant services shall be approved by the applicant, as necessary, in the following steps: underground storage tank removal assessment, initial site assessment, additional site assessments, remedial investigation/corrective action design report, and remedial design/maintenance. The applicant shall approve the written proposal before incurring costs for each step of consultant services. Proposals for each step of consultant services shall be on a form prescribed by the board according to parts 2890.0072 to 2890.0079.

2890.0075 REASONABLENESS OF WORK PERFORMED; STANDARD TASKS FOR EACH STEP OF CONSULTANT SERVICES.

Subp. 2. **Underground storage tank removal assessment.** Notwithstanding part 2890.0071, item A, costs for an underground storage tank removal assessment may be incurred before an initial site assessment, but only when an underground storage tank is being removed and the site is discovered to have petroleum contaminated soil. The objectives of the underground storage tank removal assessment are to determine the volume of petroleum contaminated soil, determine the feasibility of excavating the petroleum contaminated soil, and allow for the excavation of petroleum contaminated soil to accommodate new tanks.

The board shall consider as prima facie unreasonable costs incurred for an underground storage tank removal assessment other than costs for the following tasks or items: excavation basin soil sampling, soil test pit oversight, contaminated soil stockpile sampling, soil sampling analysis, travel time, mileage, vehicle cost, per diem, and equipment. If petroleum contaminated soil is excavated, an underground storage tank removal assessment may also include soil treatment permitting and an excavation report.

Subp. 3. **Initial site assessment.** The objectives of the initial site assessment are to determine the vertical and horizontal extent of petroleum contaminated soil, determine if groundwater has been impacted, determine the apparent source or sources of petroleum contamination, and establish any vapor and groundwater receptors. The initial site assessment shall consist of up to five soil borings with up to three of the five borings completed as monitoring wells. Monitoring wells may be completed only if petroleum contamination is found to be in contact with groundwater or bedrock, or if requested by the agency. The board shall consider as prima facie unreasonable costs incurred for an initial site assessment other than costs for the following tasks or items:

V. remedial action decision, if applicable; ~~and~~

W. soil sampling analysis;

X. groundwater sampling analysis; and

Y. other:

Subp. 4. **Additional site assessment.** Costs for an additional site assessment may be incurred only if the initial site assessment failed to determine the vertical and horizontal extent of petroleum contaminated soil. The objectives of the additional site assessment are the same as the objectives for the initial site assessment. The additional site assessment shall consist of up to three soil

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Adopted Rules

borings, with all completed as monitoring wells if the petroleum is found to be in contact with the groundwater. The applicant shall continue to obtain a proposal for each additional site assessment until the vertical and horizontal extent of petroleum contamination has been determined. The board shall consider as prima facie unreasonable costs incurred for an additional site assessment other than costs for the following tasks or items:

- R. remedial action decision; ~~and~~
- S. soil sampling analysis;
- T. groundwater sampling analysis; and
- U. other:

Subp. 5. **Remedial investigation/corrective action design report.** The objective of the remedial investigation/corrective action design report is to prepare a report either recommending no further corrective action or recommending a specific plan for further corrective action. If the consultant recommends no further corrective action, the board shall consider as prima facie unreasonable costs incurred for a remedial investigation/corrective action design report other than costs for the submission to the agency of an RI/CAD report which proposes and provides justification for no further action.

If the consultant recommends further corrective action, the further objectives of this step are to conduct applicable field and pilot tests and to prepare an RI/CAD report for submission to the agency. The report must present three corrective action alternatives specific to the applicant's site, evaluate these three alternatives, and recommend the most cost-effective alternative. The evaluation of the three corrective action alternatives must set forth long-term costs and separate dollar amounts for consulting and contracting services. Soil removal and treatment is one corrective action alternative whether the soil is landfarmed, thin spread, composted, incinerated, or treated by other approved means.

If the consultant recommends further corrective action, the board shall consider as prima facie unreasonable costs incurred for a remedial investigation/corrective action design report other than costs for the following tasks or items:

- P. waste disposal; ~~and~~
- Q. soil sampling analysis;
- R. groundwater sampling analysis; and
- S. other:

Subp. 6. **Remedial design/maintenance.** Costs for remedial design/maintenance may be incurred only if the agency has approved a corrective action design for the site. The objectives of remedial design/maintenance are to develop site-specific drawings, specifications, and schedules consistent with the corrective action design approved by the agency; initiate permitting activities; assist the applicant in obtaining contractor services for the implementation of the system for corrective action; verify and document that installation of the system for corrective action is consistent with the design; and conduct up to one year of operating, monitoring, and maintaining the system for corrective action.

The board shall consider as prima facie unreasonable costs incurred for remedial design/maintenance other than costs for the following tasks or items:

- T. well abandonment oversight; ~~and~~
- U. soil sampling analysis;
- V. groundwater sampling analysis; and
- W. other:

2890.0076 MAXIMUM COSTS FOR CONSULTANT SERVICES.

Subpart 1. **Maximum labor charges.** The board shall consider as prima facie unreasonable costs incurred for consultant services either in excess of the amounts specified in the proposal for consultant services or in excess of the following maximum charges, whichever is less:

V. project management and administration shall be reimbursed only for actual hours spent on this task with a maximum cost of (1) ~~15~~ 20 percent of total consultant services labor charges, inclusive of the cost for hours spent on project management and administration, or (2) \$200 per proposal, whichever is greater;

LL. travel time has a maximum cost per trip of (1) ~~for the first two hours of travel, the hourly rate normally charged for the traveler's services; and (2) for each additional hour of travel, \$30 per hour or the maximum hourly rate normally charged specified for the traveler's services; whichever is less in subpart 2;~~

OO. vent point installation oversight has a maximum cost of ~~1-1/2~~ two hours per vent point;

Subp. 3. **Allowable level of expertise.** The board shall consider as prima facie unreasonable costs incurred for consultant services when the work is performed by an individual with a level of expertise other than as contained in items A to E.

A. Corrective action alternative, equipment, groundwater pump and treat system design, health and safety plan, mileage, MPCA conference call, passive bioremediation risk assessment, per diem, project management and administration, RI/CAD report, soil excavation corrective action plan, soil vapor extraction system design, soil vapor extraction system with groundwater sparging design, travel time, vacuum enhanced groundwater extraction system design, vehicle cost, and well abandonment shall be performed by one or more of the following:

Subp. 4. **Maximum analytical, drilling, and well charges.** The board shall consider as prima facie unreasonable costs incurred for groundwater sampling analysis, soil sampling analysis, soil boring drilling, piezometer installation, vent point installation, well abandonment, or well installation in excess of the amount specified in the proposal for consultant services.

Subp. 5. **Maximum nonlabor charges.** The board shall consider as prima facie unreasonable costs incurred for consultant services in excess of the following maximum charges:

A. mileage has a maximum cost of 27 cents the rate per mile specified as the business standard mileage rate for passenger automobile use in Internal Revenue Service Procedure 94-73, 1994-52 I.R.B. 23, which is incorporated by reference in this part, and was issued in 1994 by the Internal Revenue Service under authority in Code of Federal Regulations, title 26, section 1.274(d)-1, and is updated on an annual basis by the Internal Revenue Service. Two copies of the document are located in the state law library;

B. vehicle cost has a maximum cost of 35 cents per mile or \$50 per day, whichever is greater;

2890.0077 COMPETITIVE BIDDING REQUIREMENTS FOR CONSULTANT SERVICES PROPOSALS.

Subpart 1. **Generally; dollar cost bidding.** The applicant shall obtain written competitive proposals for consultant services according to this part. All items on the consultant proposal shall be bid by dollar amount per unit of service.

Subp. 4. **Subsequent steps.** After the initial site assessment step, the applicant is not required to seek competing proposals from consultants other than the consultant performing the prior step of consultant services if:

A. the applicant continues to use the same consultant that performed services for the prior step; ~~and~~

B. the consultant that performed services for the prior step does not increase its hourly rates; ~~or increase its soil boring drilling or well installation charges;~~ over the amounts stated in that consultant's proposal for the prior step; ~~and~~

C. the consultant that performed services for the prior step does not increase its rates for analytical, drilling, and well services identified in part 2890.0076, subpart 4, over the amounts stated in that consultant's proposal for the prior step.

If the applicant seeks competitive proposals after the initial site assessment step, the applicant shall obtain at least two written proposals for consultant services for the appropriate step of consultant services according to parts 2890.0072 to 2890.0079. The proposals shall be on a form prescribed by the board according to parts 2890.0072 to 2890.0079, and the proposal shall comply with all requirements of parts 2890.0072 to 2890.0079.

Subp. 6. **Lowest cost proposal.** Except as provided in part 2890.0078, the board shall consider as prima facie unreasonable total costs for consultant services in excess of the total cost in the lowest competitive proposal for consultant services based on the use of the same technology, and in the case of proposals involving soil borings, substantially similar assumptions as to number of soil borings, number of monitoring wells, soil conditions, drilling depth, and sampling intervals, unless the applicant ~~presents clear and convincing evidence~~ demonstrates that the services to be performed or the selected consultant's qualifications ~~justified~~ justify the selection of a higher cost proposal. Among the factors relevant to the qualifications of a consultant include, but are not limited to, education, experience, certifications and registrations, health and safety training, insurance, availability, and references. The board shall consider costs for a consultant service in the lowest overall competitive proposal as a reasonable amount to charge for a specific task or item if the costs for that task or item do not exceed the maximum costs stated in part 2890.0076.

2890.0078 DEVIATIONS FROM STANDARD TASKS AND MAXIMUM COSTS FOR CONSULTANT SERVICES.

Subpart 1. **Deviations from standard tasks in proposals.**

A. The board shall not consider as prima facie unreasonable tasks performed and costs incurred to implement a technology other than soil borings if:

(2) the board determines that the applicant has established ~~by reasonable evidence~~ that the alternative approach:

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Adopted Rules

B. The board shall not consider as prima facie unreasonable consultant services costs for tasks additional to or different than those specified in part 2890.0075 if:

(2) the board determines by clear and convincing evidence applicant demonstrates that the additional or different tasks:

C. The board shall not consider as prima facie unreasonable consultant services charges for a higher number of hours spent performing a task or a higher dollar cost for a task than the number of hours or dollar costs set as the maximum cost for that task in part 2890.0076, subpart 1, if:

(1) the proposal accepted by the applicant prior to the provision of consultant services specifically states that the amount exceeds the maximum cost limits and provides a detailed explanation of the reasons for the higher number of hours or dollar costs; and

(2) the board determines by clear and convincing evidence applicant demonstrates that the additional or different tasks higher number of hours or dollar costs:

(a) met the objectives for that step of consultant services were justified by unusual conditions existing at the applicant's site; and

D. The board shall not consider as prima facie unreasonable consultant services costs in excess of the maximum costs for soil boring oversight in part 2890.0076, subpart 4, if:

(4) the board determines applicant demonstrates that the applicant has established by reasonable evidence that the costs incurred for consultant services related to drilling were reasonable given the actual conditions for drilling at that site.

Subp. 2. Deviations from standard tasks or maximum costs after proposal approved by applicant.

A. The board shall not consider as prima facie unreasonable tasks performed that are different than or in addition to the tasks specified in a proposal for consultant services approved by the applicant if:

(3) the board determines applicant demonstrates that the applicant has established by clear and convincing evidence that the different or additional tasks:

B. The board shall not consider as prima facie unreasonable consultant services charges for a higher number of hours spent performing a task or a higher dollar cost for a task than the number of hours or dollar costs specified for that task in a proposal approved by the applicant if:

(1) the applicant approves a change order for the higher number of hours or dollar costs;

(2) the higher number of hours or dollar costs for the task were required by circumstances beyond the control of the consultant or applicant that could not have been reasonably anticipated at the time the proposal was accepted by the applicant; and

(3) the board determines applicant demonstrates that the applicant has established by clear and convincing evidence that the higher number of hours or dollar costs were essential to complete the objectives for that step of consultant services.

C. Notwithstanding items A and B, the board shall not consider as prima facie unreasonable higher charges or a higher number of hours for consultant services for soil boring drilling and soil boring oversight than the costs specified in a proposal approved by the applicant if:

(4) the board determines applicant demonstrates that the applicant has established by reasonable evidence that the higher number of hours were essential to complete the objectives for that step of consultant services.

2890.0079 REASONABLE, NECESSARY, AND ACTUAL CONSULTANT SERVICES COSTS.

Notwithstanding parts 2890.0073 to 2890.0078, the board shall reimburse applicants only for consultant services tasks and costs necessary for corrective action at the applicant's site, only for consultant services costs that are reasonable, and only for actual hours spent by the consultant performing tasks when consultant services are charged based on the consultant's time. The board shall not consider as prima facie unreasonable performance of fewer tasks or lower hours or costs to complete a task than as specified in parts 2890.0075 and 2890.0076.

2890.0080 OVERVIEW OF RULES GOVERNING REASONABLENESS OF COSTS FOR CONTRACTOR SERVICES.

The board shall approve for reimbursement only those costs for contractor services that meet the standards and requirements in parts 2890.0081 to 2890.0086. Part 2890.0081 sets forth the definitions of terms related to contractor services. Part 2890.0082 states the maximum costs for specific contractor services. Part 2890.0083 establishes the requirement of competitive written bids for contractor services, and part 2890.0089 establishes standards for exemption from the competitive bidding requirement. Part 2890.0084 establishes criteria for the board in evaluating costs for contractor services that deviate from the maximum costs for contractor services. Part 2890.0085 states the requirements for costs to be reasonable and necessary. Part 2890.0086 states the need for use of a standardized invoice form.

Parts 2890.0081 to 2890.0086 shall be effective for any contract for contractor services entered into on or after the effective date of parts 2890.0081 to 2890.0086.

2890.0081 DEFINITIONS RELATED TO CONTRACTOR SERVICES.

Subp. 6. **Groundwater sampling analysis.** “Groundwater sampling analysis” means quantifying the concentration of petroleum contaminants and/or inorganic compounds present in a groundwater sample.

Subp. 7. **Hauling.** “Hauling” means the transportation and unloading of:

Subp. 8. ~~7.~~ **Landfarmed soil sampling.** “Landfarmed soil sampling” means the periodic collection and testing of soil samples from the landfarming site.

Subp. 9. ~~8.~~ **Landfarming.** “Landfarming” consists of the following costs or activities:

Subp. 10. ~~9.~~ **Loading.** “Loading” means all necessary equipment and labor required to:

Subp. 11. ~~10.~~ **Mobilization.** “Mobilization” means:

Subp. 12. ~~11.~~ **Off-site stockpiling.** “Off-site stockpiling” means:

Subp. 13. ~~12.~~ **Overburden.** “Overburden” means any soil which must be replaced in order to access the petroleum contaminated soil.

Subp. 14. **Soil sampling analysis.** “Soil sampling analysis” means quantifying the concentration of petroleum contaminants and/or inorganic compounds present in a soil sample.

Subp. 15. ~~13.~~ **Soil test pits.** “Soil test pits” means the excavation, backfilling, and compaction, if necessary, of small pits around the tank basin at the time of tank removal to determine the vertical and horizontal extent of petroleum contaminated soil.

Subp. 16. ~~14.~~ **Spreading.** “Spreading” means the labor and equipment necessary for the placement of petroleum contaminated soil at the landfarming site.

Subp. 17. ~~15.~~ **Stockpiling.** “Stockpiling” means the temporary storage of petroleum contaminated soil.

Subp. 18. ~~16.~~ **System installation.** “System installation” means the labor and equipment necessary to install the remediation system.

Subp. 19. ~~17.~~ **Thermal treatment.** “Thermal treatment” means the burning of petroleum contaminated soil.

Subp. 20. ~~18.~~ **Treatment of petroleum contaminated water from the excavation basin.** “Treatment of petroleum contaminated water from the excavation basin” means the cost to treat petroleum contaminated water from the excavation basin.

Subp. 21. ~~19.~~ **Utility clearance.** “Utility clearance” means the process of locating aboveground and belowground utilities and identifying all underground storage tanks and associated lines, pumps, and dispensers.

2890.0082 MAXIMUM COSTS FOR CONTRACTOR SERVICES.

Subp. 3. **Maximum analytical, drilling, and well charges.** To the extent that groundwater sampling analysis, soil sampling analysis, soil boring drilling, piezometer installation, vent point installation, well abandonment, and well installation constitute contractor services, reimbursement of costs for these services shall be governed by parts 2890.0072 to 2890.0079. Analytical services performed as part of landfarmed soil sampling shall be governed by parts 2890.0080 to 2890.0086.

Subp. 4. **Maximum costs for all other contractor services.** For contractor services not otherwise listed in this part, ~~including, but not limited to, groundwater sampling analysis, soil sampling analysis, such as~~ treatment of petroleum contaminated water from the excavation basin, and system installation, the board shall consider as prima facie unreasonable costs incurred in excess of the amount specified in the bid for contractor services.

2890.0083 COMPETITIVE BIDDING REQUIREMENTS FOR CONTRACTOR SERVICES.

Subp. 2. **Dollar cost bidding and cost per cubic yard bidding required.** All items on the contractor bid shall be bid by dollar amount per unit of service. The following contractor services must be itemized on a cost per cubic yard basis on the bid form for contractor services:

E. landfarming, including a breakdown by cost per cubic yard for each of the tasks listed in part 2890.0081, subpart 9 ~~8~~; and

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Adopted Rules

Subp. 3. **Lowest cost bid.** Except as provided in part 2890.0084, total costs in excess of those in the bid of the lowest qualified bidder shall be considered prima facie unreasonable by the board, unless the applicant demonstrates that the services to be performed or the selected contractor's qualifications justify the selection of a higher cost bid. Among the factors relevant to the qualifications of a contractor are education, experience, certifications and registrations, health and safety training, insurance, availability, and references. The board shall consider costs for a contractor service in the lowest overall competitive bid as a reasonable amount to charge for a specific task or item if the costs for that task or item do not exceed the maximum costs stated in part 2890.0082.

2890.0084 DEVIATIONS FROM MAXIMUM COSTS FOR CONTRACTOR SERVICES.

Subpart 1. **Bids over maximum costs due to unusual site conditions.** The board shall not consider as prima facie unreasonable contractor services costs higher than the maximum costs in part 2890.0082 if:

B. the board determines by clear and convincing evidence applicant demonstrates that the higher costs:

Subp. 2. **Bids over maximum costs due to unavailability of contractors.** The board shall not consider as prima facie unreasonable contractor services costs higher than the maximum costs in part 2890.0082, if:

A. the bid accepted by the applicant prior to the provision of contractor services specifically states that the amount exceeds the maximum cost limits and provides a detailed explanation of the reasons for costs in excess of the maximum cost limits; and

B. the applicant demonstrates by reasonable evidence that:

(1) the applicant was unable to secure a bid to perform that contractor service for an amount not exceeding the maximum costs in part 2890.0082 for that contractor service;

(2) the applicant conducted an extensive search for bids from persons that could perform that contractor service or perform a comparable service at less expense that would make unnecessary the performance of that contractor service; and

(3) the performance of that contractor service was essential to complete the corrective action properly.

Subp. 3. **Additional costs incurred after bid approved by applicant.**

A. The board shall not consider as prima facie unreasonable charges greater than the amount specified in a bid approved by an applicant if:

(3) the board determines applicant demonstrates that the applicant has established by clear and convincing evidence that the higher costs were essential to complete the corrective action properly.

2890.0089 EXEMPTIONS FROM COMPETITIVE BIDDING.

The applicant shall be granted an exemption from the competitive bidding requirement of parts 2890.0077 and 2890.0083 if:

B. the board makes an annual determination that the applicant has established that a standard contract that was entered into via the annual bidding or evaluation process will result in reasonable corrective action costs by providing to the board:

(1) documentation of the annual bidding process that led to the standing contract for contractor services or a written explanation of the annual evaluation process that led to the standing contract for consultant services; and

REPEALER. Minnesota Rules, parts 2890.0075; and 2890.0080; and 2890.0095, are repealed.

EFFECTIVE DATE. These rules are effective for all contracts entered into on or after 60 days after notice of adoption is published in the State Register.

Pollution Control Agency

Notice of Withdrawal of Proposed Amendments to Rules Governing the Management of Used Oil and Miscellaneous Proposed Amendments

NOTICE IS HEREBY GIVEN that the proposed amendments to *Minnesota Rules* pts. 7045.0221, 7045.0225, 7045.0230, 7045.0240, 7045.0248, 7045.0255, 7045.0855, subp. 2, and 7045.0990, subp. 3, item A, regarding the licensing requirements for used oil and used oil filter generators that were published in the *State Register* on January 23, 1995 (19 S.R. 1542-1580) are withdrawn.

Charles W. Williams, Commissioner
Pollution Control Agency

Executive Department

Emergency Executive Order 95-7 Declaring a State of Emergency in the State of Minnesota

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Emergency Executive Order:

WHEREAS, during the period from July 3 through July 21, 1995, severe thunderstorms, straight-line winds, tornadoes, flash flooding, and intense heat swept across west central, north central, and northwestern Minnesota; and

WHEREAS, these storms have inflicted widespread and considerable damage to the public infrastructure as well as to homes, farms, and businesses; and

WHEREAS, as a result, there is a threat to public safety for citizens in the counties of Aitkin, Becker, Beltrami, Big Stone, Carlton, Cass, Chippewa, Clay, Clearwater, Crow Wing, Douglas, Hubbard, Itasca, Kittson, Mahnommen, Otter Tail, Saint Louis, Swift, Traverse, Wadena, and Wilkin, and on the White Earth Indian Reservation; and

WHEREAS, the resources of local government and private relief agencies are being fully utilized to respond to the crisis; and

WHEREAS, those resources are expected to be exhausted as the recovery process continues;

NOW, THEREFORE, I hereby order that:

A State of Emergency exists in the State of Minnesota and do direct the Division of Emergency Management, in conjunction with the Federal Emergency Management Agency and other state and federal agencies, to determine the need for supplementary disaster aid and to coordinate the provision of any such assistance as necessary under existing state and federal authority.

Pursuant to *Minnesota Statutes* 1994, Section 4.035, subd. 2, this Order is effective immediately and shall remain in effect until rescinded by proper authority or it expires in accordance with *Minnesota Statutes* 1994, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this twenty-eighth day of July, 1995.

Arne H. Carlson
Governor

Filed According to Law:

Joan Anderson Growe
Secretary of State

Official Notices

Pursuant to the provisions of Minnesota Statutes §14.101, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Agriculture

Agronomy Services Division

Notice of Cancellation of Minnesota Agricultural Chemical Response Compensation Board

NOTICE IS HEREBY GIVEN of cancellation of the Agricultural Chemical Response Compensation Board (ACRRA Board) meeting scheduled for August 16, 1995. The next regularly scheduled meeting will be Wednesday, September 20, 1995; to be held at the Minnesota Department of Agriculture offices, 90 West Plato Boulevard, St. Paul, Minnesota, Conference Room One, at 9:00 a.m.

Please call the ACRRA Program at (612) 297-3490 should you require additional information.

Department of Commerce

Notice of Solicitation of Outside Information or Opinion Relating to Consolidation of Prelicensing and Continuing Education Requirements

NOTICE IS HEREBY GIVEN that the Minnesota Department of Commerce is seeking information or opinions from sources outside the agency in preparing to propose rules relating to the prelicensing and continuing education requirements for regulated parties in the following areas: real estate, appraisers, building contractors and insurance. A notice of solicitation of outside information or opinions was previously published in the *State Register* on November 23, 1993. This notice is being published to comply with recent changes in *Minnesota Statutes* chapter 14. Responses submitted under the earlier notice will remain a part of the rule-making record.

Subject of Rules and Statutory Authority. The proposed rules will consolidate into one chapter of Minnesota Rules the existing rules pertaining to the prelicensing and continuing education requirements for regulated parties in the following areas: real estate; appraisers; building contractors and insurance. The purpose of these proposed rules is to make it easier for persons affected by the education requirements to understand and comply with the law, by reorganizing into one chapter of the rules the education requirements that are similar among the four identified regulated areas.

The adoption of the rules is authorized by *Minnesota Statutes*, section 60K.19 subdivision 6(c), section 82.22 subdivision 13(b), section 82.28, section 82B19 subdivision 2, section 82B.13 subdivision 3, section 326.98 and section 45.023.

Parties Affected by the Rules. The groups and individuals likely to be affected by the proposed rules include all persons who currently have or who intend to apply for licenses in the following areas: real estate salespersons and brokers; appraisers; building contractors and insurance agents. The proposed rules will also affect any persons or companies that are in the business of providing courses to licensees or applicants for purposes of prelicensing or continuing education requirements for the above-mentioned areas.

Small Business Considerations. Outside opinion is also being solicited as to any effect the rules might have on small businesses, as defined under *Minnesota Statutes* section 14.115 subdivision 1. The proposed rules will have impact on small businesses with respect to the education requirements that currently exist for licensees to obtain, maintain and renew their licenses. Since many of the individual licensees are engaged in small business as defined under *Minnesota Statutes* 14.115 subdivision 1, the rules will impact small business in these regulated areas. It is anticipated that, by consolidating the requirements into one chapter of the rules, the proposed rules will help small businesses, such as those entities and schools that offer courses for prelicensing and continuing education credits in more than one of the regulated areas.

Comments and Agency Contact Person. The Minnesota Department of Commerce requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Donna M. Watz, Staff Attorney
Department of Commerce
133 East Seventh Street
St. Paul, Minnesota 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-6593 and in person at the above address. A preliminary draft of the proposed rules is available for review and comment and may be obtained by contacting the agency contact person.

A copy of this notice will be mailed to all persons who have registered their names with the department for purposes of notice of rulemaking activity.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing, Dual Notice or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. However, parties are encouraged to submit written comments before October 15, 1995. All written material received by the Department of Commerce shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rules are adopted.

Dated: 31 July 1995

James E. Ulland
Commissioner of Commerce

Department of Health

Division of Environmental Health

Notice of Solicitation of Outside Information or Opinions in the Matter of the Proposed Rules of the Minnesota Department of Health Relating to the Examination of an Individual Operating an X-Ray Machine

NOTICE IS HEREBY GIVEN that the Minnesota Department of Health is seeking information or opinions in preparing to develop *Minnesota Rules* relating to the examination of individuals operating x-ray machines in Minnesota.

After January 1, 1997, an individual in a facility with x-ray equipment for use on human that is registered under *Minnesota Statutes*, section 144.121, subdivision 1 with the commissioner of health, may not operate, nor may the facility allow the individual to operate, x-ray equipment unless the individual has passed an examination approved by the commissioner of health, or an examination determined to the satisfaction of the commissioner of health to be an equivalent national, state, or regional examination.

Approved examinations must demonstrate the individual's knowledge of basic radiation safety, proper use of x-ray equipment, darkroom and film processing, and quality assurance procedures.

The commissioner of health must establish by rule criteria for the approval of examinations required for an individual operating an x-ray machine in Minnesota.

Authority for the commissioner to adopt rules relating to the examination of individuals operating an x-ray machine are contained in *Laws of Minnesota* 1995, Chapter 146, section 1 which is codified as *Minnesota Statutes*, section 144.121, subdivision 5.

The department anticipates adoption of revised rules by April 1996.

A copy of this notice will be mailed to all parties who have registered their names with the department for purposes of notice of rulemaking activity; and to interested persons including representatives of the Medical Licensing Board, Dental Licensing Board, Chiropractic Licensing Board, Podiatric Licensing Board, Nursing Licensing Board, Medical Association, medical assistants, Dental Association, dental hygienists and assistants, Chiropractic Association, chiropractic assistants, Podiatric Association, Nursing Association, Hospital Association, Laboratory Association, and Radiologic Technologist Society.

As required by *Laws of Minnesota*, Chapter 146, section 3 as codified in *Minnesota Statutes*, section 144.121, subdivision 7, the commissioner of health is establishing an advisory committee for advice on the examination. The committee must consist of 15 members and include representatives from the Medical Licensing Board, Dental Licensing Board, Chiropractic Licensing Board, Podiatric Licensing Board, Nursing Licensing Board, Medical Association, Dental Association, Chiropractic Association, Podiatric Association, Nursing Association, Hospital Association, Laboratory Association, and Radiologic Technologist Society. In addition the department is including representative of medical assistants, dental hygienists and assistants, and chiropractic assistants. (The department is also seeking advice from the Minnesota State Colleges and Universities and the American Registry of Radiologic Technologists.) The committee shall expire on March 31, 1996. Advisory Committee meetings are open to all interested persons. Committee meetings will start in the fall of 1995 and meet at least monthly through March 1996.

The Minnesota Department of Health requests information and opinion on the subject matter of these rules at this time. Interested

Official Notices

or affected persons or groups may submit data or views on the subject matter of the rules in writing or orally. Written statements should be addressed to:

Judith Ball, Manager Radiation Control
Minnesota Department of Health
Division of Environmental Health
121 7th Place, Suite 220
St. Paul, Minnesota 55164-0975

Oral statements will be received during regular business hours over the telephone at (612) 215-0945 by Ms. Ball and in person at the above address. A copy of any draft proposals under consideration may be obtained from Ms. Ball.

All statements of information will be accepted until the proposed rule is published in the *State Register*. All written material received by the Minnesota Department of Health becomes part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Patricia A. Bloomgren, Director
Division of Environmental Health

This notice can be made available in alternative formats.

Higher Education Services Office

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Student Educational Loan Fund (SELF) Program

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Services Office is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the Student Education Loan Fund (SELF) Program. The adoption of the rule is authorized by *Minnesota Statutes*, section 136A.01, Subd. 2(8) which requires the agency to prescribe policies, procedures, and rules necessary to administer the programs under its supervision.

The agency does not intend to form an advisory task force specifically for development of amendments to this rule. However, in drafting amendments to this rule, the agency will consult members of two groups which meet regularly with agency staff to provide feedback and input on a number of higher education issues and concerns: the financial aid officer advisory group and the student advisory committee. These two groups represent financial aid administrators at post-secondary institutions and students attending Minnesota post-secondary institutions. The agency anticipates the rulemaking process to take an additional six months.

The Minnesota Higher Education Services Office requests information and opinions concerning the subject matter of the rule. The amendment to the rule includes information relating to the definitions of terms used in the rule governing this program, requirements relating to the SELF application and promissory note, borrowing more than once in the same academic year, the SELF interest rate, non-enrollment and withdrawal by the borrower, repayment procedures, and the filing of claims by the director.

Post-secondary institutions, borrowers and co-signers participating in the Student Educational Loan Fund (SELF) Program are likely to be affected by these rule amendments.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Interested persons or groups may also request a draft of the rule with the proposed amendments. Written statements or requests for a draft copy of the proposed rule should be addressed to:

Mary Lou Dresbach
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3974 (ext. 3036) and in person at the above address.

All statements of information and opinions shall be accepted until 4:00 p.m., September 8, 1995. Any written material received by the Minnesota Higher Education Services Office shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 24 July 1995

Joseph P. Graba
Acting Director

Higher Education Services Office

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing Definitions for Higher Education Programs

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Services Office is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing Definitions for Higher Education Programs. The adoption of the rule is authorized by *Minnesota Statutes*, section 136A.01, Subd. 2(8) which requires the agency to prescribe policies, procedures, and rules necessary to administer the programs under its supervision.

The agency does not intend to form an advisory task force specifically for development of amendments to this rule. However, in drafting amendments to this rule, the agency will consult members of two groups which meet regularly with agency staff to provide feedback and input on a number of higher education issues and concerns: the financial aid officer advisory group and the student advisory committee. These two groups represent financial aid administrators at post-secondary institutions and students attending Minnesota post-secondary institutions. The agency anticipates the rulemaking process to take an additional six months.

The Minnesota Higher Education Services Office requests information and opinions concerning the subject matter of the rule. The amendment to the rule includes information relating to following terms defined in this rule: "academic year," "Minnesota resident," and "returning student."

Post-secondary institutions and students participating in the state post-secondary financial aid programs are likely to be affected by these rule amendments.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Interested persons or groups may also request a draft of the rule with the proposed amendments. Written statements or requests for a draft copy of the proposed rule should be addressed to:

Mary Lou Dresbach
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3974 (ext. 3036) and in person at the above address.

All statements of information and opinions shall be accepted until 4:00 p.m., September 8, 1995. Any written material received by the Minnesota Higher Education Services Office shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 24 July 1995

Joseph P. Graba
Acting Director

Higher Education Services Office

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the State Grant Program

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Services Office is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the State Grant Program. The adoption of the rule is authorized by *Minnesota Statutes*, section 136A.01, Subd. 2(8) which requires the agency to prescribe policies, procedures, and rules necessary to administer the programs under its supervision.

The agency does not intend to form an advisory task force specifically for development of amendments to this rule. However, in drafting amendments to this rule, the agency will consult members of two groups which meet regularly with agency staff to provide feedback and input on a number of higher education issues and concerns: the financial aid officer advisory group and the student advisory committee. These two groups represent financial aid administrators at post-secondary institutions and students attending Minnesota post-secondary institutions. The agency anticipates the rulemaking process to take an additional six months.

The Minnesota Higher Education Services Office requests information and opinions concerning the subject matter of the rule. The amendment to the rule includes information relating to the definitions of terms pertinent to the state grant program, circumstances under which Minnesota residency is not lost for state grant purposes, factors involved in the calculation of a state grant award, payments to schools for state grant awardees, and the refund calculation for grant recipients who fail to enroll or reduce enrollment.

Post-secondary institutions participating in the State Grant Program and post-secondary students receiving state grant awards are likely to be affected by these rule amendments.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Interested persons or groups may also request a draft of the rule with the proposed amendments. Written statements or requests for a draft copy of the proposed rule should be addressed to:

Mary Lou Dresbach
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3974 (ext. 3036) and in person at the above address.

All statements of information and opinions shall be accepted until 4:00 p.m., September 8, 1995. Any written material received by the Minnesota Higher Education Services Office shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 24 July 1995

Joseph P. Graba
Acting Director

Higher Education Services Office

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Nursing Grant Program for Persons of Color

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Services Office is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the Nursing Grant Program for Persons of Color. The adoption of the rule is authorized by *Minnesota Statutes*, section 136A.01, Subd. 2(8) which requires the agency to prescribe policies, procedures, and rules necessary to administer the programs under its supervision.

The agency does not intend to form an advisory task force specifically for development of amendments to this rule. However, in drafting amendments to this rule, the agency will consult members of two groups which meet regularly with agency staff to provide feedback and input on a number of higher education issues and concerns: the financial aid officer advisory group and the student advisory committee. These two groups represent financial aid administrators at post-secondary institutions and students attending Minnesota post-secondary institutions. The agency anticipates the rulemaking process to take an additional six months.

The Minnesota Higher Education Services Office requests information and opinions concerning the subject matter of the rule. The amendment to the rule includes information relating to the participation application by schools and nursing programs, the responsibilities of nursing programs and educational programs, the allocation formula and the student award amount.

Post-secondary institutions or educational programs participating in the Nursing Grant Program for Persons of Color and post-secondary students receiving grant awards from this program are likely to be affected by these rule amendments.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Interested persons or groups may also request a draft of the rule with the proposed amendments. Written statements or requests for a draft copy of the proposed rule should be addressed to:

Mary Lou Dresbach
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3974 (ext. 3036) and in person at the above address.

All statements of information and opinions shall be accepted until 4:00 p.m., September 8, 1995. Any written material received by the Minnesota Higher Education Services Office shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 24 July 1995

Joseph P. Graba
Acting Director

Higher Education Services Office

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rule Governing the Child Care Grant Program

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Services Office is seeking information or opinions from sources outside the agency in preparing to propose the amendment of the rule governing the Child Care Grant Program. The adoption of the rule is authorized by *Minnesota Statutes*, section 136A.01, Subd. 2(8) which requires the agency to prescribe policies, procedures, and rules necessary to administer the programs under its supervision.

The agency does not intend to form an advisory task force specifically for development of amendments to this rule. However, in drafting amendments to this rule, the agency will consult members of two groups which meet regularly with agency staff to provide feedback and input on a number of higher education issues and concerns: the financial aid officer advisory group and the student advisory committee. These two groups represent financial aid administrators at post-secondary institutions and students attending Minnesota post-secondary institutions. The agency anticipates the rulemaking process to take an additional six months.

The Minnesota Higher Education Services Office requests information and opinions concerning the subject matter of the rule. The amendment to the rule includes information relating to the determination of the administrative expense allowance for participating institutions, modifications to the chart used in determining the amount of the grant per eligible child for the academic year and the refund procedures participating institutions must follow when handling unused portions of child care grant awards.

Post-secondary institutions participating in the Non-AFDC Child Care Grant Program and post-secondary students receiving child care grant funds from this program are likely to be affected by these rule amendments.

Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Interested persons or groups may also request a draft of the rule with the proposed amendments. Written statements or requests for a draft copy of the proposed rule should be addressed to:

Mary Lou Dresbach
Minnesota Higher Education Services Office
400 Capitol Square Building
550 Cedar Street
St. Paul, MN 55101

Oral statements will be received during regular business hours over the telephone at (612) 296-3974 (ext. 3036) and in person at the above address.

All statements of information and opinions shall be accepted until 4:00 p.m., September 8, 1995. Any written material received by the Minnesota Higher Education Services Office shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 24 July 1995

Joseph P. Graba
Acting Director

Higher Education Services Office

Notice of Solicitation of Outside Opinion Regarding Proposed Rule Governing Private Business, Trade and Correspondence Schools

NOTICE IS HEREBY GIVEN that the Minnesota Higher Education Services Office (HESO) is seeking information or opinions from sources outside the agency in preparing to propose the adoption of the rule governing contracts by unlicensed schools, application for licensure, standards for course content, school facilities, student housing, instructors, catalogs and brochures, use of more than one catalog or brochure, placement records, solicitors, contracts, degree granting, inspections, exemption of schools deemed avocational, and the setting of fees for schools regulated by *Minnesota Statutes* 141. The adoption of the rule is authorized by *Minnesota Statutes*, 141.23, which permits the agency to promulgate rules to administer the private business, trade and correspondence schools program, and by *Minnesota Laws*, 1995, chapter 212, article 3, section 43, which authorizes the agency to establish fees.

The rule affects any person, within or without the state that maintains, advertises, solicits or conducts any course of instruction for profit or for a tuition charge, and which is not specifically exempted by the provisions of *Minnesota Statutes* 141.21 to 141.36.

The agency intends to form an advisory group to aid in the development of the rule. The agency intends to invite members of affected schools to participate. The agency anticipates that the rule adoption process will take an additional six months.

The agency requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter in writing or orally and may request a copy of the proposed rule. Please address written comments or requests for copies of the proposed rule to:

Mary Lou Dresbach
Higher Education Services Office
550 Cedar Street, Suite 400
St. Paul, MN 55101

She will receive oral statements during regular business hours over the telephone at (612) 296-3974, and in person at the above address.

The agency will accept all statements of information and opinions until further notice is published in the *State Register*. Any written material received by the Higher Education Services Office shall become part of the rulemaking record to be submitted to the Attorney General or Administrative Law Judge.

Dated: 28 July 1995

Joseph P. Graba, Director

Housing Finance Agency

Minnesota Homes Division

Notice of Solicitation of Outside Comments Regarding Proposed Rule Governing Homeownership Assistance Fund

NOTICE IS HEREBY GIVEN that the Minnesota Housing Finance Agency is seeking comments from sources outside the agency in preparing to propose the amendment of the rule governing Homeownership Assistance Fund. The adoption of the rule is authorized by *Minnesota Statutes*, Section 462A.21, Subd. 8, which permits the Agency to establish a home ownership assistance fund, on terms and conditions it deems advisable, to assist persons and families of low and moderate income in the purchase of affordable residential housing and may use the funds to provide additional security for eligible loans or to pay cost associated with or provide additional security for bonds issued by the Agency. A draft of the proposed rule may be obtained by writing to Judie VanDerBosch, Minnesota Housing Finance Agency, 400 Sibley Street, Suite 300, St. Paul, MN 55101, or by calling during regular business hours at (612) 296-9793.

The subject matter of the proposal is to: (1) allow Homeownership Assistance Fund Program to be used in conjunction with first mortgage loans not made or purchased by MHFA; (2) simplifies the repayment requirement by removing the consideration of potential income and percentage of income dedicated to mortgage payments; (3) increases the maximum adjusted income limit to 115% of state or median income; (4) removes the 50% of entry cost limitation in calculation of maximum entry cost assistance.

Groups and individuals expected to be affected by these rules includes income eligible first time homebuyers, the Housing Finance Agency, non-profit housing corporations, banks, mortgage lenders who participate in this program, home builders, home sellers and real estate agents.

Comments will be accepted until further notice or until a Notice of Hearing or Notice of Intent to Adopt Rules without a Hearing is published in the *State Register*. However, commenters are encouraged to submit comments before October 6, 1995. Comments may be mailed to: John Silvis, Minnesota Housing Finance Agency, 400 Sibley, Suite 300, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 297-3127, and in person at the above address.

Dated: 25 July 1995

Katherine G. Hadley, Commissioner

Official Notices

Department of Human Services

Task Force Establishment

Applicants Sought for Managed Care Rate Setting Methodology Taskforce

The Minnesota Department of Human Services is seeking applications from persons interested in serving on a task force related to the development of a managed care rate setting methodology under the Medical Assistance (MA), General Assistance Medical Care (GAMC) and MinnesotaCare programs. The committee's purpose is to provide expertise and input on implications of recommendations as they are developed. A progress report to the legislature is due January 15, 1996 and a final methodology proposal is due December 15, 1996. Members serve for the duration of the process on a voluntary basis with monthly meetings in St. Paul.

The task force is required by *Laws of Minnesota*, 1995, chapter 207, article 6, section 118. Basically, the law establishes the following approach.

The commissioner of human services, in conjunction with the task force, is to develop a prospective rate setting methodology that incorporates a risk adjustment mechanism for implementation on January 1, 1998. The methodology is also required to account for the following factors:

- costs of ensuring access to health care and changes in demand resulting from program and access changes;
- costs of fee-for-service payments for medical education, disproportionate populations and cost based providers;
- health status, regional utilization patterns, population characteristics and the benefit set.

The task force is to include representatives from health plans, providers, teaching/disproportionate population hospitals, counties, actuaries, consumers and each regional coordinating board. Fifty percent of the provider, county and consumer members must be from outside the seven county metro area.

In addition to this notice, the Department will contact individual groups that represent the required groups. Although membership on the task force will need to be limited, all meetings will be open to the public and any interested party is welcome to attend as an observer. It is expected that the first meeting will be in September.

If interested in serving on the task force, please provide a listing of qualifications by August 18, 1995 to:

Paul Olson, Director
Primary Care Payment Policy Division
Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3853

Department of Human Services

Health Care Services Delivery

Notice of Formation of Parental Fee Advisory Committee

Laws of Minnesota 1995, Chapter 207, Article 6, section 110, authorizes the Commissioner of Human Services to study and report to the Minnesota Legislature, by January 15, 1996, recommendations to modify the fee structure for the parents of children eligible for Medical Assistance under the TEFRA option.

The Commissioner of Human Services will appoint an advisory committee to assist with the study. The Commissioner of Human Services is seeking persons to serve on the advisory committee, which will include parents, advocates and other interested persons. The advisory committee will meet in October and early November. Please note: Participants will not be reimbursed for serving on the advisory committee.

Persons wishing to serve on the advisory committee should send a letter of interest no later than September 11, 1995. The letter should include a description of the person's qualifications, interest or experience in this area and should be sent to Lawrence D. Grewach, Minnesota Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3848 (612-296-1481).

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective August 7, 1995 prevailing wage rates were determined and certified for commercial construction projects in the following counties:

Aitkin: Contact Station Accessibility Project Savanna Portage State Park-McGregor.

Blue Earth: 1995 Reroofing Lincoln Community Center-Mankato.

Dakota: Seneca WWTP Process Improvements-Eagan; Cathodic Protection For Lift Stations-11 Different Sites; Hastings WWTP Variable Frequency Drive Replacements-Hastings; Reroof Building #23 Hastings Veterans Home-Hastings.

Hennepin: Cathodic Protection For Lift Stations-11 Different Sites; U of M Smith Hall Attic Exhaust Fans Alterations-Minneapolis; Upgrade HVAC Controls to DDC Wilson Library-Minneapolis; Security Modifications Juvenile Detention Center-Minneapolis; Baker National Golf Course Clubhouse Enhancements-Edina; Renovation B-3 Orthopaedics-Minneapolis; Addition and Remodeling Wilshire Park Elementary School; MAC Sand Barn Remodeling-Minneapolis.

Itasca: Bigfork Non-Direction Beacon-Bigfork.

Meeker: Redesign Litchfield High School Entry-Litchfield.

Ramsey: MWWTP Final Settling Tank Flow Control Improvements-St Paul; Cathodic Protection For Lift Stations-11 Different Sites; MWWTP 1995 Roof Replacement-St Paul; MWWTP Decant Tank Rehabilitation-St Paul; MWWTP Full Scale Centrifuge Demonstration Project-St Paul; Tri-District Community School-Maplewood.

St. Louis: Remodel Aurora City Hall-Aurora.

Scott: Cathodic Protection For Lift Stations-11 Different Sites.

Waseca: JWP Accessibility and Special Ed Project-Janesville.

Copies of the certified wage rate for these projects may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

Gary W. Bastian, Commissioner

Minnesota Comprehensive Health Association

Notice of Meeting of the Executive Committee

A special meeting of the Executive Committee of the Minnesota Comprehensive Health Association (MCHA), will be held at 3:00 p.m., on Tuesday, August 8, 1995 at Popham Haik Schnobrich & Kaufman, Ltd., Suite 3300, Piper Jaffray Tower, 222 South Ninth Street, Minneapolis, Minnesota. The meeting will be in room "33B." This meeting will be closed to the general public since its sole purpose will be to discuss a lawsuit involving the Association and will involve the presentation of a report by the Association's legal counsel relating to the lawsuit.

For additional information please call Lynn Gruber at (612) 593-9609.

Official Notices

Minnesota Comprehensive Health Association

Notice of Meeting of the Ad Hoc Committee on Benefit Design

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Ad Hoc Committee on Benefit Design will be held at 1:00 p.m. on Monday, August 14, 1995 at MidAmerica Mutual Life Insurance Company, 1801 West County Road B, Roseville, Minnesota. The meeting will be in the conference room.

For additional information please call Lynn Gruber at (612) 593-9609.

Pollution Control Agency

Notice of Solicitation of Comments Regarding Proposed Amendments to Procedural Rules of the Minnesota Pollution Control Agency

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (agency) is seeking comments from sources outside the agency in preparing to propose amendments to the agency's procedural rules to conform with the changes made by the legislature regarding the structure of the nine member agency board. The 1995 legislation establishes that the Commissioner of the agency is the chair of the agency citizens' board.

The adoption of amendments to these rules is authorized by *Minnesota Statutes* § 116.07 (1994) and *Minnesota Statutes* § 14.06 (1994), which allow the agency to adopt, amend and rescind rules governing its own administration and procedures. A draft of the proposed rule amendments may be obtained by requesting a copy during regular business hours over the telephone, in person and in writing at the address below. Groups and individuals expected to be affected by these rule amendments include any person who interacts with the agency including the regulated community, state and local governments, and the general public.

The agency requests comments concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements or comments should be addressed to:

Placida L. Venegas
Hazardous Waste Division
Program Development Section
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Oral statements will be received during regular business hours over the telephone at 612/297-8370 and in person at the above address.

All comments shall be accepted until Tuesday 3 October 1995.

Dated: 27 July 1995

Charles W. Williams
Commissioner

Public Utilities Commission

Notice of Commission Meeting to Consider Adopting the Consensus Recommendation of Eleven Parties to the Local Telephone Calling Scope Investigation - P-999/CI-94-296

In 1994, the Legislature added a subdivision to *Minnesota Statutes* § 237.161 which requires that the Minnesota Public Utilities Commission no longer accept petitions for extended area telephone service through June 1, 1996, but instead institute:

"a proceeding or series of proceedings to investigate issues related to extended area telephone service and (the commission) shall issue a final order to establish, at a minimum, an orderly and equitable process and standards for determining the configurations of and cost allocations for extended area service in the state."

Minnesota Statutes § 237.161, subd. 6 (1994).

On April 20, 1994, the Public Utilities Commission gave notice of its intent to investigate the appropriate local calling scope of telephone subscribers in Minnesota. The Notice, which included publication in the *State Register* on May 2, 1994, solicited comments from interested parties regarding the parameters of the investigation.

In its Order of August 22, 1994, the Commission established the parameters of the case. The primary aspects of the case, titled *In the Matter of an Investigation into the Appropriate Local Calling Scope, in Accordance with Minnesota Statutes § 237.161* (1994) were that any interested party could submit to the Commission by November 30, 1994, a plan for an appropriate local calling scope. The Commission would issue a Notice by December 15, 1994, summarizing the plans that had been filed and any other plans that the Commission believed merited further consideration. Parties would have until March 1, 1995, to file responsive comments. Also, during the months of September and October, 1994, the Commission held a series of public forums around the State to explain the case and collect the views of the public. (See notice in *State Register* of August 29, 1994.)

In response to the Commission's August 22, 1994 Order, seven parties filed proposals for determining an appropriate local calling scope: AT&T, Frontier Communications of Minnesota (Frontier), GTE, the Minnesota Independent Coalition (MIC), the Minnesota Telephone Association (MTA), the Residential and Small Business Utility Users Division of the Office of the Attorney General (OAG), and US West Communications. The Commission also requested comments on two additional plans: the standard distance calling plan and the school district calling plan.

The Commission met on May 16, 1995 to consider the plans that had been filed. (See notice in *State Register* of May 8, 1995.) At that meeting, the Commission decided to request comments on whether the EAS process, as outlined in *Minnesota Statutes § 237.161*, subdivisions 1 through 5, should be retained instead of adopting a new EAS process; if the existing process is retained, whether there should be any minor adjustments to that process as described under *Minnesota Statutes § 237.161*, subdivisions 1 through 5, to improve that process, including raising the traffic standard in subd. 1(a)(3); and, whether this proceeding should be continued through a contested case proceeding, a Commission proceeding or a rulemaking proceeding.

In response to the Commission's request for additional comments, eleven of the parties to this proceeding submitted a consensus recommendation to the Commission. In summary, the consensus recommendation is that:

1. The Commission should adopt the parties' interim solution to the local calling scope issue until the local service competition rulemaking in Docket No. P-999/R-95-53 is completed;
2. The Commission should issue a final order in this docket adopting on an interim basis, until the rules in the local service competition rulemaking take effect, the EAS process and standards embodied in *Minnesota Statutes § 237.161*, subd. 1-5 with one modification. The threshold calling requirement under *Minnesota Statutes § 237.161*, Subd. 1(a)(3) should be changed to require that at least 50 percent of the customers in a petitioning exchange make **four or more calls per month** to the exchange or local calling area to which extended area service is requested; and
3. The Commission should expand the local service competition rulemaking docket to explicitly include the local calling scope issues raised in this docket.

The Minnesota Senior Federation-Iron Range Region and the City of Hoyt Lakes filed separate comments in response to the Commission's request for additional comments.

On July 18, 1995, the Commission met to hear comments on the consensus recommendation and the comments of interested persons. An audio tape of the meeting is available at \$10.00 per tape by calling 612/297-7070.

Notice

Interested persons are advised that the Commission will meet to consider the consensus recommendation and the comments of parties at a meeting on *Tuesday, September 12, 1995, beginning at 1:00 p.m.* It is anticipated that the Commission will make a final decision on this matter at the September 12, 1995 meeting. The meeting will be held in the Commission's Large Hearing Room, 3rd Floor, 121 7th Place East (Metro Square Building), St. Paul, Minnesota.

Please contact Diane Wells of the Commission's staff at 612/296-6068 or 1-800/657-3782 if you would like a copy of the parties' recommendation, staff briefing papers or if you have any questions regarding the local calling scope investigation.

Dated: 31 July 1995

Burl W. Haar

Official Notices

Office of the Secretary of State

Notice of Vacancies in Multi-Member Agencies

NOTICE IS HEREBY GIVEN to the public that vacancies have occurred in multi-member state agencies, pursuant to *Minnesota Statutes* 15.0597, subdivision 4. Application forms may be obtained from the Office of the Secretary of State, Open Appointments, 180 State Office Building, 100 Constitution Ave., St. Paul 55155-1299; (612) 297-5845, or in person at Room 174 of the State Office Building. In accordance with the Minnesota Open Appointments Law, the Secretary of State acts as an administrator in publishing vacancies, receiving applications, and recording appointments. Applications will be reviewed and appointments made by the Appointing Authorities for these various agencies. Completed applications are to be submitted to the Secretary of State by August 29, 1995. Appointing Authorities for these agencies may also choose to review applications received by the Secretary of State after that date. Applications are kept on file for a one year period.

The 1994 Annual Compilation and Statistical Report is now available from the Minnesota Bookstore. This publication includes a complete listing of state boards and councils that follow the Open Appointments process, descriptions of these agencies and their memberships, and statistical information about appointments and vacancies made during the 1994 fiscal year. The 1994 Annual Compilation also indicates members with terms that ended in January 1995 as open for application; many of these positions may still be open. To order copies of the 1994 Annual Compilation please call the Minnesota Bookstore at 297-3000 or 1-800-657-3757.

ADVISORY COUNCIL ON PLUMBING CODE AND EXAMINATIONS 925 Delaware St. S.E., PO Box 59040, Mpls., MN 55414-3017. 612-627-5117. *Minnesota Statutes* 326.41.

APPOINTING AUTHORITY: Commissioner of Health (13).

COMPENSATION: \$55 per diem plus expenses.

VACANCY: Two positions: One journeyman plumber representing greater Minnesota, and one public member.

The council makes recommendations to the Commissioner of Health regarding examining and licensing of plumbers, recommends revisions to the plumbing code, and reviews new materials and methods. The council consists of seven members, including one journeyman plumber, one master plumber, and one representative of the Commissioner of Health. Quarterly meetings. The council expires June 30, 1995 per *Minnesota Statutes* 326.41 as amended by Laws of 1993.

ADVISORY COUNCIL ON WATER SUPPLY SYSTEMS AND WASTEWATER TREATMENT FACILITIES Minnesota Dept. of Health, 121 E. 7th Pl., PO Box 64975 St. Paul, MN 55164-0975. *Minnesota Statutes* Sect. 115.71 - 115.77.

APPOINTING AUTHORITY: Commissioners of Health and Minnesota Pollution Control Ag.

COMPENSATION: \$55.00 per diem.

VACANCY: Eleven new positions: Please refer to the council description for membership requirements.

Advise the commissioners of Health and the Pollution Control Agency regarding classification of water supply systems and wastewater treatment facilities, qualifications and competency evaluation of water supply system operators and wastewater treatment facility operators, and additional laws, rules and procedures that may be desirable for regulating the operation of water supply systems and of wastewater treatment facilities. The council consists of 11 members. 1 member from the Department of Health division of Environmental Health appointed by the commissioner of Health one member from the Pollution Control Agency (PCA), water quality division, appointed by the commissioner of the PCA; 3 members must be certified water supply system operators, appointed by the commissioner of Health; 3 members must be certified wastewater treatment facility operators, appointed by the commissioner of the PCA; 1 member representing an organization that represents municipalities, appointed by the commissioner of Health with the concurrence of the commissioner of the PCA; and 2 members of the public who are not associated with water supply systems or wastewater treatment facilities. 1 must be appointed by the commissioner of Health and the other by the commissioner of PCA. 1 of the water supply system and 1 of the wastewater treatment facility operator must be from outside the metro area and 1 wastewater operator must come from the Metropolitan Council Environmental Services. Meetings are held quarterly for 4 hours at varied outstate and metro locations. The council expires June 30, 1999 per *Minnesota Statutes* 115.71-115.77.

BOARD OF INVENTION c/o Dan Ferber, 49 Inner Drive, St. Paul, MN 55116-1819. 612-698-6318. *Minnesota Statutes* 116J.987.

APPOINTING AUTHORITY: Governor (01), subject to advice and consent of the Senate.

COMPENSATION: None.

VACANCY: One vacancy: A representative from the fifth congressional district.

The board shall encourage the creation, performance, and appreciation of invention in the state. The board shall investigate and

evaluate new methods to enhance invention. The board consists of eleven members, including one member to be appointed from each congressional district and three at-large members. Monthly meetings, for approximately two hours, at various locations statewide. The board does not expire.

CITIZENS' COUNCIL ON VOYAGEURS NATIONAL PARK 509 3rd St., International Falls, MN 56649. 218-283-3507. *Minnesota Statutes* 84B.11.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: A representative from a county other than Koochiching or St. Louis.

The council researches all matters related to the establishment and operation of Voyageurs National Park, makes recommendations to the U.S. National Park Service, and other federal and state agencies concerned. The Governor appoints four members from Koochiching county, four members from St. Louis county, and five members at-large. The legislature appoints two senators and two representatives. Quarterly meetings. The council does not expire per *Minnesota Statutes* 84B.11.

COALITION FOR EDUCATIONAL REFORM AND ACCOUNTABILITY MDE, 718 Capitol Square Bldg., 550 Cedar St. St. Paul, MN 55101 612-296-5224. Chapter 224, Laws of 1995.

APPOINTING AUTHORITY: A panel chaired by the Commissioner of Education.

COMPENSATION: None

VACANCY: Twenty-five positions: Please refer to the description of the coalition.

Promote public understanding of and support for policies and practices that help Minnesota students attain world class education outcomes and succeed in the 21st century. The coalition consists of twenty-five members plus one ex-officio member: 8 people directly involved in public education including higher education; 6 people who represent state and local governments; 10 people, public members including parents, business leaders, labor leaders, government leaders, educators and journalists. The meetings will be every other month for 3 hours at unspecified location. The coalition expires June 30, 2000.

EMERGENCY RESPONSE COMMISSION B-5 State Capitol Building, St. Paul, MN 55155. 612-643-3000. *Minnesota Statutes* 299K.03 as amended by Laws of 1994, Chapt. 584.

APPOINTING AUTHORITY: Governor.

COMPENSATION: Per diem plus expenses.

VACANCY: One vacancy: Representative of law enforcement for a term expiring in January, 1997.

The commission coordinates the implementation of the federal Emergency Planning and Community Right-To-Know Act, carrying out the requirements of a commission under the Act, and may adopt rules in order to do so. The commission consists of twenty-two members, including the Commissioners of the Departments of Public Safety, Health, Agriculture, the Commissioner of the Pollution Control Agency; and eighteen members (four from outside the metro area) to be appointed by the Governor to include one representative each of: fire chiefs, professional firefighters, volunteer firefighters, fire marshals, law enforcement personnel, emergency medical personnel, health professionals, wastewater treatment operators, labor, local elected officials, emergency managers, three representatives of community groups or the public, four representatives from business and industry, at least one of whom must represent small business. Members must file with the Ethical Practices board. Commission meetings are held on the second Thursday of each month from 9:30 a.m. to 12:00 noon. The meetings are generally held in the State Office Building or in B-5 State Capitol Building (during legislative session). The commission does not expire.

ETHICAL PRACTICES BOARD First Floor South, Centennial Bldg., 658 Cedar St. St. Paul, MN 55155. 612-296-5148. *Minnesota Statutes* 10A.02.

APPOINTING AUTHORITY: Governor. House and Senate confirmation.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Member who has not been a public official or held a political party office within three years prior to appointment.

The board administers campaign finance disclosure for state candidates, economic interest disclosure for state, metropolitan public officials, and local officials in metropolitan governmental units, lobbyist registration, and public subsidy of state candidates and political party committees. The board consists of six members, including one former state legislator from a major political party different from the Governor, one former state legislator from the same political party as the Governor, two members who have not been public officials and have not held party office within three years prior to appointment. No more than three members may support the same political party. No member may currently serve as a lobbyist. Monthly meetings in the Capitol complex, St. Paul. Members must file with the Ethical Practices Board. The board does not expire.

Official Notices

EXPORT FINANCE AUTHORITY 1000 World Trade Center, St. Paul, MN 55101-4902. 612-297-4658. *Minnesota Statutes* 116J.9673.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Person must be knowledgeable in international finance, exporting or international law.

The authority is created to aid and facilitate the financing of exports from Minnesota; will meet credit needs of Minnesota exporters through loan guarantees and export credit insurance. The authority board consists of seven members, six of whom must be knowledgeable in international finance, exporting, or international law, and one member to represent a company specializing in agricultural international trade. The Commissioner of the Department of Trade and Economic Development is the chair of the board. The board meets approximately once a month, generally by conference call, to review loan guarantee applications and to review the operations of the Authority. Members must file with the Ethical Practices Board. The board does not expire.

GOVERNOR'S RESIDENCE COUNCIL 200 Administration Bldg., 50 Sherburne Ave., St. Paul, MN 55155. 612-296-6852. *Minnesota Statutes* 16B.27, amended by Laws of 1993.

APPOINTING AUTHORITY: Governor.

COMPENSATION: None.

VACANCY: One vacancy: Public member.

The council develops an overall restoration plan for the Governor's residence and surrounding grounds, solicits contributions to restore, maintain, improve, decorate and furnish the building. The council consists of nineteen members including thirteen appointed by the Governor, one in the field of higher education; one member each from the American Institute of Architects (AIA), the American Society of Interior Designers (ASID), and the American Society of Landscape Architects (ASLA); and a member, if available, of the family which donated the building, and eight public members, with four public members' terms being coterminous with the Governor who appoints them. The remaining six members shall consist of the Commissioner of Administration, a member of the Senate, a member of the House, the Governor's spouse or designee, the executive director of the Minnesota State Arts Board, and the director of the Minnesota Historical Society. All meetings are held at the Governor's residence. For security purposes, attendees must register their attendance in advance of the meeting. The council shall expire June 30, 1998 per *Minnesota Statutes* 16B.27 subd. 3.

GOVERNOR'S WORKFORCE DEVELOPMENT COUNCIL Department of Economic Security 612-297-4689. Chapter 131, Laws of 1995.

APPOINTING AUTHORITY: Governor

COMPENSATION: \$55 per diem, plus expenses.

VACANCY: Twenty-Eight positions: Please refer to the description of the council.

The council shall replace the governor's job training council and assume all of its requirements, duties and responsibilities; coordinate the development, implementation, and evaluation of the statewide education and employment transitions system and Minnesota youth services programs; review the provision of services and the use of funds and resources under applicable federal human resource programs and advise the governor on methods of coordinating the provision of services and the use of funds resources consistent with the laws and regulations governing the programs; review federal, state, and local education, post-secondary, job skills training, and youth employment programs, and make recommendations to the governor and the legislature for establishing an integrated seamless system for providing education, service-learning, and work skills development service to learners and workers of all ages; advise the governor on the development and implementation of statewide and local performance standards and measures relating to federal human resource programs; and administer grants. The council consists of 32 members: The commissioner of Economic Security, commissioner of Education, commissioner of Human Services, commissioner of Trade and Economic Development, 6 members representing business and industry, 6 members representing labor organizations, 4 members representing community-based organizations, 5 members representing education as follows: one representing local public secondary education, 1 shall have expertise in design and implementation of school-based service-learning, 1 shall represent post-secondary/post-secondary vocational institutions, the chancellor of the MNSCU, 2 members shall represent other constituencies including: units of local government and applicable state or local programs. After 1/1/97, the Minnesota director of the Corporation for National Service shall also be a member. (Other 4 members appointed by the House of Representatives and Senate.) The council shall meet monthly at the Department of Economic Security. The council has no expiration date.

MARKET ASSISTANCE PROGRAM COMMITTEE 133 E. 7th St., St. Paul, MN 55101. 612-297-1118. *Minnesota Statutes* 62I.09.

APPOINTING AUTHORITY: Commissioner of Commerce (08).

COMPENSATION: None.

VACANCY: Two vacancies: A representative of the insurance industry, and one MJUA eligible person.

The committee reviews applicants of the Minnesota Joint Underwriting Association to ascertain if coverage is available in private insurance. The committee consists of twelve members including six representatives of insurers, two insurance agents, two public members, and two representatives of groups insured by the Minnesota Joint Underwriting Association. Meeting schedule varies, usually monthly or bimonthly. The committee expires June 30, 1997 per *Minnesota Statutes* 15.059 subd. 5 as amended by Laws of 1993.

MINNESOTA ROUND TABLE ON SUSTAINABLE DEVELOPMENT 658 Cedar St., St. Paul, MN 55155 612-297-2377. *Minnesota Statutes* 116C.04 and 15.0593.

APPOINTING AUTHORITY: Governor and Environmental Quality Board.

COMPENSATION: Expenses.

VACANCY: Thirty positions: Please refer to the council description for the membership requirements.

Advise the Environmental Quality Board, Governor and Legislature on policies, programs and institutional reforms that will facilitate economically efficient, socially beneficial and environmentally sustainable development. It may create its own working groups. The round table consists of 30 members: There are no restrictions on round table membership, however the appointing authorities will seek representation from a diverse range of interests such as; agriculture, energy, forestry, education, manufacturing, minerals, recreation and land use. Meetings will be held quarterly for 5-8 hours in St. Paul. The round table has an indefinite duration.

MINNESOTA VOCATIONAL HIGH SCHOOL PLANNING COMMITTEE 550 Cedar St. St. Paul, MN 55101 612-297-3115. Chapter 3, 1st. Spec. Session of 1995.

APPOINTING AUTHORITY: Governor, Speaker of House, Maj. Leader of Senate.

COMPENSATION: \$55 per diem, plus expenses.

VACANCY: Twenty-one positions: Please refer to the committee description for the membership requirements.

Evaluate the need for a vocational high school, including the needs of Minnesota students for vocational training and the needs of private sector employers for skilled, vocational trained employees; determine the capacity of Minnesota's secondary schools to meet this need; identify the challenges and opportunities for vocational education; develop a preliminary plan for a vocational high school to meet the identified needs; develop a learning signature for a vocational high school based on its focus, including educational goals, learning organization, anticipate learner results, and staff development; describe the anticipated partnerships of the vocational school with other secondary educational institutions, post-secondary institutions, business and labor, community organizations, and students' families; develop a technology and equipment plan for the proposed school; and develop preliminary cost estimates for a vocational school. The committee consists of 21 members: The commissioners of Education and Human Services or their designees; potential students and their parents, imaginative practicing teachers, high school administrators, representatives of business and labor, and community representatives. The committee shall meet twice per month for 3-4 hours at various locations. The committee expires February, 1996.

MINNESOTA BOARD OF NURSING 2700 University Ave. W., #108, St. Paul, MN 55114. 612-642-0567. *Minnesota Statutes* 148.181.

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One vacancy: Registered nurse.

The board licenses professional and practical nurses, registers public health nurses, disciplines licensees, renews licenses, approves nursing schools, lists professional nursing organizations which certify certain advanced nurse specialists for the purpose of third party reimbursement and identifies nurse practitioners and clinical specialists in psychiatric and mental health nursing eligible to prescribe drugs and therapeutic devices. The board consists of sixteen members, all of whom must be residents of Minnesota. The membership includes eight RNs, four LPNs, and four public members. RN and LPN members must have graduated from an approved school of nursing, be licensed and currently registered in Minnesota and have at least five years experience in nursing practice, administration or nursing education immediately preceding appointment. One RN must have executive or teaching experience in a baccalaureate degree nursing program, one RN must have executive or teaching experience in an associate degree

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nursing program, one RN must have executive or teaching experience in a practical nursing program; these programs must be approved by the board and at least two years experience must have occurred during the five years immediately preceding appointment. One RN must have national certification as a registered nurse anesthetist, nurse practitioner, nurse midwife, or clinical nurse specialist, and one RN must be practicing professional nursing in a nursing home at the time of appointment. Four of the eight RNs must have at least five years of experience in nursing practice or nursing administration immediately preceding appointment. The four LPNs must have had at least five years experience in nursing practice immediately preceding appointment. The four public members must be public members as defined by *Minnesota Statutes 214.02*. A member may be reappointed but may not serve more than two full terms consecutively. The governor shall attempt to make appointments to the board that reflect the geography of the state. Board members who are nurses should reflect the broad mix of practice types and sites of nurses practicing in Minnesota. Meetings at least six times a year (February, April, June, August, October, and December). Members must file with the Ethical Practices Board. The board does not expire.

MINNESOTA COMMISSION SERVING DEAF AND HARD OF HEARING PEOPLE Dept. of Human Services, 444 Lafayette Rd., St. Paul, MN 55155-3814. 612-297-7305 TDD and voice. *Minnesota Statutes 256C.28*.

APPOINTING AUTHORITY: Commissioner of Human Services (15).

COMPENSATION: \$55 per diem.

VACANCY: Two vacancies: one must be a representative of the Advisory Committee for the Northwest (Fergus Falls) Regional Service Center for Deaf and Hard of Hearing People; one at-large position, which can be filled by a deaf or hard of hearing person, a parent of a deaf or hard of hearing child, a representative of a county or regional human service agency, or a private service provider.

The commission advises the Commissioners of the Departments of Human Services, Education, Economic Security, and Health, the Governor and legislature, regarding policies, programs, services affecting deaf and hard of hearing citizens and creates public awareness of the needs and potential of deaf and hard of hearing people. The commission includes fifteen members, seven of whom are appointed at-large, plus one member from each advisory committee under section 256C.24, subd. 3. At least fifty percent of the members must be deaf or hard of hearing. Terms are for three years. Members may not serve more than two consecutive terms. Members who are full time state employees or full time employees of political subdivisions of the state will not receive the per diem. Meetings are usually held in St. Paul at 444 Lafayette Rd., with occasional meetings in other cities around the state. There are four to five full commission meetings each year with numerous sub-committee meetings. The commission does not expire.

MINNESOTA EARLY CHILDHOOD CARE AND EDUCATION COUNCIL 117 University Ave., 3rd Fl., St. Paul, MN 55155. 612-296-1400. *Minnesota Statutes 256H.195*.

APPOINTING AUTHORITY: Governor.

COMPENSATION: \$55 per diem, plus expenses.

VACANCY: One vacancy: may represent parents, family child care providers, child care center providers, private foundations, corporate executives, small business owner or a minority group.

The council collaborates child care programs statewide and develops plans for allocating state and federal funds; develops a biennial plan for early childhood care and education in Minnesota; and acts as an advocate for a coordinated child care system. The council provides a report to the legislature on January 1st of every odd-numbered year describing work plans and legislative recommendations of the council. The council consists of nineteen members representing parents, family and child care center providers, private foundations, corporate executives, small business owners, and public school districts; also includes the commissioners of two Minnesota counties, three members from child care resources and referral programs (one from county operated resource and referral, one from a rural location, and one from the metro area), and a community group representative. The Governor shall consult with state councils of color to ensure council ethnic and racial representation. The council meets from 10-3 on Monday (the week may vary) every other month. Executive committee meets the other months on a Monday for two hours. Meeting schedule and location information available upon request. The council does not expire.

STATE CURRICULUM ADVISORY COMMITTEE 607 Capitol Square Bldg., 550 Cedar St., St. Paul, MN 55101. 612-296-0351. *Minnesota Statutes 126.665*.

APPOINTING AUTHORITY: Commissioner of Education (11).

COMPENSATION: None.

VACANCY: Three vacancies: All three representatives should have experience with the PER process and the role of the local curriculum advisory committee.

The committee advises the State Board and Department of Education on the planning, evaluation, and reporting process. The committee consists of eleven members including nine members, one appointed from each educational cooperative service unit, and

two at-large members. Membership on or experience with local curriculum advisory committees is required. The committee expires June 30, 1996 per *Minnesota Statutes* 126.665 as amended by the Laws of 1993.

SUBCOMMITTEE ON CHILDREN'S MENTAL HEALTH 444 Lafayette Rd., St. Paul, MN 55155-3828. 612-297-4163. *Minnesota Statutes* 245.697, subd. 2a.

APPOINTING AUTHORITY: Chairman, State Advisory Council on Mental Health (40).

COMPENSATION: \$55 per diem plus expenses.

VACANCY: One new position: Representative of an advocacy group for children with emotional disturbances.

The subcommittee must make recommendations to the Advisory Council on policies, law, regulations, and services relating to children's mental health. Members include: Commissioners or designees of Department of Commerce, Corrections, Education, Health, Human Services, Finance, and State Planning; one member of a children's mental health advocacy group, three service providers (preadolescent, adolescent, and hospital-based), parents of emotionally disturbed children; a consumer of adolescent mental health services; educators currently serving emotionally disturbed children; people who worked with emotionally disturbed minority children, or with emotionally disturbed juvenile status offenders; social service representatives; county commissioners; legislators; advisory council members; one representative of the local corrections system; and one representative from the Minnesota District Judges Association Juvenile Committee. The subcommittee meets once a month. The subcommittee expires with the expiration of the State Advisory Council on Mental Health.

URBAN INITIATIVE BOARD DTED, 500 Metro Square Building, 121 Seventh Place E., St. Paul, MN 55101-2146. 612-296-9090. *Minnesota Statutes* 116M.15.

APPOINTING AUTHORITY: Governor (01).

COMPENSATION: \$55. per diem plus expenses.

VACANCY: One vacancy: Member representing a minority business enterprise.

The board shall investigate and evaluate methods to enhance urban development, particularly methods relating to economic diversification through minority business enterprises and job creation for minority and other persons in low-income areas. The enterprises shall include technologically innovative industries, value-added manufacturing, and information industries. The board consists of eleven members, including eight public members with six being from minority business enterprises. No more than four of the public members may be of one gender and all must be experienced in business or economic development. The Commissioners of Trade and Economic Development, Economic Security, and the chair of the Metropolitan Council also serve as members. Members must file with the Ethical Practices Board. Meeting schedule and location not determined. The board does not expire.

State Grants

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Department of Human Services

Family and Children's Services Division

Development of a Supportive Services Delivery System Not Otherwise Available For Families of Infants Who Are Disabled With Life-Threatening Conditions

The Family and Children's Services Division, Minnesota Department of Human Services is soliciting proposals from private and public agencies to further develop a supportive service system for families of infants who are disabled with life-threatening conditions. A successful proposal will include a multi-agency effort with defined roles and responsibilities to achieve this goal.

The Commissioner of Human Services has allocated a total of \$54,000 for projects to further develop a supportive service system. Projects will begin October 1, 1995 and will continue through September 30, 1996.

Proposals in response to this RFP must be submitted according to the RFP application instructions. To obtain a copy of the application, please contact the Family and Children's Services Division, Minnesota Department of Human Services, telephone 612-297-3634. Upon request, this information will be made available in alternative format such as Braille, large print or audiotape.

All applicants must provide six (6) copies of the completed proposal to the Family and Children's Services Division, attn: Carla Brown, Department of Human Services, 444 Lafayette Road, St. Paul, Minnesota 55155-3832, no later than 4:00 p.m. on August 28, 1995.

Selection of the contractor(s) will be completed by September 15, 1995. The state reserves the right to make multiple awards under this RFP.

This RFP does not obligate the State to complete the project, the State reserves the right to cancel the solicitation if it is considered to be in its best interest.

Affirmative Action

In accordance with the provisions of *Minnesota Statutes*, Section 363.073; for all contracts estimated to be in excess of \$50,000, all responders having more than 20 full-time employees at any time during the previous 12 months must have an affirmative action plan approved by the Commissioner of Human Rights before a proposal can be accepted. Your proposal will be rejected unless it includes one of the following:

1. A copy of your agency's current certificate of compliance issued by the Commissioner of Human Rights; or
2. A letter from Human Rights certifying that your agency has a current certificate of compliance; or
3. A notarized letter certifying that your agency has not had more than 20 full-time employees in Minnesota at any time during the previous 12 months.

Department of Veterans Affairs

Notice of Grant Funds Available

Application Requests Accepted for Placement on the Funding List for the Minnesota County Veterans Service Officer Operational Improvement Grant Program

NOTICE IS HEREBY GIVEN that the Minnesota Department of Veterans Affairs is accepting application requests for placement on the funding list for the Minnesota County Veterans Service Officer Operational Improvement Grant Program. This program was created to improve the efficiency of the County Veterans Service Officer system.

Applications will be reviewed and processed and grants will be awarded as required in *Minnesota Statutes* 197.608 and *Minnesota Rules* parts 9055.0500 to 9055.0610.

Applications will be accepted at the address noted below until 4:30 p.m. September 8, 1995.

Only original applications, as provided to applicants by the Minnesota Department of Veterans Affairs, will be accepted. Applications received on alternate formats will not be accepted.

Applications will be accepted only by Certified United States Mail, at the address noted below.

To request an application or further information, contact:

Terrence A. Logan or Dennis Forsberg at:
Minnesota Department of Veterans Affairs
20 West 12th Street
St. Paul, Minnesota 55155-2079
(612) 296-2562.

Applications must be submitted by certified United States Mail to:

County Veterans Service Officer Operational Improvement Grant Program
Minnesota Department of Veterans Affairs
20 West 12th Street
St. Paul, Minnesota 55155-2079

Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules Part 1230.1910*, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612)296-2600 or [TDD (612)297-5353 and ask for 296-2600].

Department of Administration

State Designer Selection Board

Proposal Date Deadline Change

To Minnesota Registered Design Professionals:

In the July 31, 1995 issue of the *State Register*, the request for proposal for Projects 5-95, Remodeling of Various Buildings, University of Minnesota - Coleraine; 6-95, Student Housing, Fond du Lac Tribal and Community College; and 7-95, Fire and Life Safety - Biological Sciences, indicated a due date of August 15, 1995. The correct due date is August 22, 1995. In addition, 6 copies of the proposal will be required for Project 7-95.

Maureen Steele Bellows, Chair
State Designer Selection Board

Department of Employee Relations

Proposals Sought for Qualified Persons to Provide Specialized Learner-Centered Training

The Minnesota Department of Employee Relations is requesting proposals from qualified persons to provide specialized learner-centered training to state employees. The training would be primarily in the existing Management Development Core and Supervisory Core programs, and in other similar programs which may be developed during the course of the contract period. Training topics would include, but not be limited to, the following: team building, identifying and working with differences, managing self-directed teams, and motivation of employees. Prospective bidders must be trained and certified for the Myers-Briggs Type Indicator. The contract is expected to not exceed \$50,000.00 for the biennium ending June 20, 1997. The Department of Employee Relations reserves the right to not award the contract.

Contents of the Proposal

To be considered, proposals must minimally include the following:

1. A clear statement of the objectives, goals, and components of the proposal.
2. Identification and description of the deliverables provided by the responder.
3. Outline of the responder's background and experience in providing training to public sector employees, with a special emphasis on working with state government, executives, managers and employees. The personnel who will actually do the training must be clearly identified and their qualifications and experience detailed.
4. A description of the level of departmental participation in the project as well as any other services to be provided by the Department of Employee Relations.
5. A detailed cost and work plan that itemizes costs related to services and materials.

Evaluation

All proposals received by the deadline will be evaluated by a Department of Employee Relations committee which may invite proposal finalists to an interview. Evaluative factors are:

1. The trainer's credentials including licenses, certificates, degrees, and experience. Credentials of the person(s) actually doing the training is more important than those of the agency.
2. The quality of the program components and the plan for their implementation. In part, quality will be determined by the soundness of the behavioral models that underlie the training, including traditional and new concepts; the adherence to

Non-State Public Bids, Contracts & Grants

Video-based instructional components and participant workbooks will be evaluated for realism, applicability to the state government context, clear expression, and organization.

Training materials must demonstrate sensitivity to cultures, ethnicity, gender, religion, disabilities, and other forms of diversity. Video tapes used in the training must be closed-captioned.

3. Training experience with, or demonstrated knowledge of, management, supervision and organization in state government as opposed to the same in the private sector.
4. Training experience with, or demonstrated knowledge of, management, supervision and organization in the private sector. Responder must give examples of processes and techniques used in the private sector that may be applicable to the public sector.
5. Total cost of project including instructor's fees and materials. The contract does not have to be awarded to the lowest bidder.

Submission of Proposals

All proposals must be sent to and received by the HRD Services Division.

Linda See
Department of Employee Relations
Human Resource Development Services Division
200 Centennial Office Building
658 Cedar Street
St. Paul, MN 55155

All proposals must be received no later than 4:30 p.m., Friday, September 29, 1995. Late proposals will not be accepted. Proposals are to be sealed in mailing envelopes or packages with the responder's name and address clearly written on the outside. Please submit four copies; each copy of the proposal must be signed, in ink, by an authorized member of the firm. Prices and terms of the proposal, as states, must be valid for the length of the contract.

Department Contact

Prospective responders who have questions regarding this Request for Proposal may call Linda See, (612) 296-1713, or they may write for information at the above address.

Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Goodhue County Minnesota

County Surveyor's Office

Request for Proposals for a Needs Analysis and Implementation Study for Parcel Based Geographic Information Systems Throughout Minnesota

NOTICE IS HEREBY GIVEN that Goodhue County, Minnesota, has received a \$58,000 grant from the Intergovernmental Information Systems Advisory Council and is requesting proposals for a **Needs Analysis and Implementation Study for Parcel Based Geographic Information Systems Throughout Minnesota**. This project is to develop a needs analysis for parcel based geographic information systems for city and county governments in Minnesota and develop processes for those local governments that choose to initiate geographic information system projects. The project is to document the current status of parcel based geographic information systems across Minnesota, design a strategy for moving local governments towards a complete system and estimate the costs of implementing this strategy. The contractor will examine existing documents of a representative sample from

Non-State Public Bids, Contracts & Grants

several cities and counties to determine the basic geographic information system need requirements. Information should also be collected to show the benefits of using a geographic information system, show examples of how these systems are being used and show how local governments are working together to develop the systems.

The project would determine from the systems in place, projects in progress and published reports the steps necessary to develop functional geographic information systems. The contractor will survey and analyze Minnesota's eighty-seven counties to determine if counties are grouped in stages of developments and suggest what resources are necessary for the counties to move onto their next step in the development process. The contractor will also analyze collaborative efforts between cities, counties and other entities they are working with and list various ways local governments can work together to meet their needs. The contractor shall, also, develop recommendations for the responsibility of maintaining a master data base within each county. The cost of implementing each step in the geographic information process should be estimated along with the potential cost savings or cost avoidance.

The final report from this project would offer sufficient detail and quality that it can be used as a supporting document to lay the foundation for the necessity and benefits in developing a statewide program for parcel based geographic information systems at the local government level.

Call or write for the full RFP which will be sent free of charge to interested vendors from:

Jeffrey L. Grosso
Goodhue County Surveyor
Box 404
Red Wing, MN 55066-0404
Phone 612-388-2812
Fax 612-388-8437

Proposals will be accepted until 4:00 P.M. September 1, 1995.

Metropolitan Council

The Metropolitan Council is Requesting Proposals for a Software System for Time and Attendance for the Environmental Division's Management Services

This RFP describes general system requirements and more specifically addresses functional requirements.

Copies of the proposal can be obtained or inquiries can be directed by calling the Purchasing Section at (612) 229-2032.

Proposals will be accepted by the Metropolitan Council until 4:00 p.m., Monday, August 21, 1995.

The Metropolitan Council reserves the right to reject any or all proposals and to waive any minor irregularities and deviations from requirements outlined in the Request for Proposal.

By Order of the Metropolitan Council
Helen Boyer, Division Director
Environmental Services Division

Metropolitan Council
Mears Park Centre
230 East 5th Street
St. Paul, Minnesota 55101
(612) 222-8423

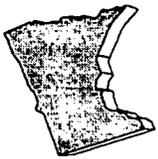
Did you know?.....



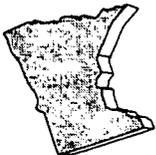
...that Minnesota's Bookstore is "one of a kind"?--- no other state in the Union operates a retail bookstore within state government, receiving no funding from the legislature.



...that Minnesota's Bookstore has been in operation since 1957?--- known in earlier years as the "State Register and Government Documents Center", the unit was renamed Minnesota's Bookstore in 1988.



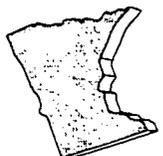
...that Minnesota's Bookstore is part of the Department of Administration, Print Communications Division?---through various restructuring efforts, 'PrintComm' now includes six different units: Printing, Central Mail, Micrographics, Mailing List Service, State Register, and Minnesota's Bookstore.



...that Minnesota's Bookstore offers instructional material and manuals for a range of professions?--- as you look through this catalog, you will find learning tools for health care, business, law enforcement, education, and more.



...that Minnesota's Bookstore receives orders from as far away as the Ukraine and Germany?--- One of our best-selling publications, "Landscaping for Wildlife" has been ordered by people in Indiana, Colorado, Maine and Washington.



...that Minnesota's Bookstore now has an online service for customers using their personal computer and a modem?--- Since 1992, our FREE access online service has been used by more than 2,000 customers to access information or to place an order; we anticipate an ever-increasing use of this service as technology advances.



